

## **MEMPHIS CITY COUNCIL**

# Planning and Zoning Documents Table of Contents

March 2, 2021

#### PLANNING AND ZONING COMMITTEE AND REGULAR MEETING

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3. PD 20-20	3897 and 3901 Spottswood	1-117
4. Z 20-11	North side of East Holmes East of Centerline of Lamar Ave	118-164

### CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

	COUL	NCIL AGE	NDA CHECI	OFF SHEET			
ONE ORIGINAL     ONLY STAPLED    TO DOCUMENTS	Planning & Z	Coning CO		03/02/2021 DATE 03/02/2021 DATE	Planning & Development DIVISION		
ITEM (CHECK ONE) ORDINANCE X RESOLUTION OTHER: ITEM DESCRIPTION:	CONDEMNATI GRANT APPLI	CATION	REQUE	ACCEPTANCE ST FOR PUBLIC	/ AMENDMENT CHEARING		
ITEM DESCRIPTION:	A resolution approvi	ing an expans	sion of the Spo	ttswood Village F	PD (single-family residential)		
CASE NUMBER:	PD 20-20						
DEVELOPMENT:	Spottswood Village Planned Development						
LOCATION:	3897 and 3901 Spottswood Avenue						
COUNCIL DISTRICTS:	District 5 and Super District 9 – Positions 1, 2, and 3						
OWNER/APPLICANT:	Tiger Estates, LLC						
REPRESENTATIVE:	W.H. Porter Consult	ants PLLC -	Tim Dagastino	)			
<b>EXISTING ZONING:</b>	Residential Single-F	amily – 6 (R	-6)				
REQUEST:	Expansion of the Spottswood Village PD (single-family residential)						
AREA:	+/-0.92 acres (expan	sion area)					
RECOMMENDATION:	<b>PATION:</b> The Office of Planning and Development recommended <i>Approval with conditions</i> The Land Use Control Board recommended <i>Approval with conditions</i>						
RECOMMENDED COUNC	CIL ACTION: Publ	ic Hearing N	Not Required				
PRIOR ACTION ON ITEM: (1) 02/11/2021 (1) Land Use Control Board	APPROVAL - (1) APPROVED (2) DENIED DATE ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE						
FUNDING: (2) \$ \$ SOURCE AND AMOUNT O	REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED						
\$			NG BUDGET				
\$ \$			L/STATE/OTH	ER			
ADMINISTRATIVE APPRO	 OVAL:		<u>DATE</u>	<u>POSITION</u>			
				PRINCIPAL PI	ANNER		
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				CHIEF ADMI	NISTRATIVE OFFICER		
ı				COMMITTEE	CHAIRMAN		



#### Memphis City Council Summary Sheet

#### PD 20-20 – Spottswood Village Planned Development

Resolution requesting an expansion of the Spottswood Village PD (single-family residential) at 3897 and 3901 Spottswood Avenue:

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner(s)/Applicant(s): Tiger Estates, LLC; and Representative(s): W.H. Porter Consultants PLLC – Tim Dagastino; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

## RESOLUTION APPROVING THE SPOTTSWOOD VILLAGE PLANNED DEVELOPMENT EXPANSION AT THE SUBJECT PROPERTY LOCATED AT 3897 AND 3901 SPOTTSWOOD AVENUE, KNOWN AS CASE NUMBER PD 20-20.

**WHEREAS,** Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

**WHEREAS**, the Tiger Estates, LLC filed an application with the Memphis and Shelby County Division of Planning and Development to allow an expansion of the Spottswood Village Planned Development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on February 11, 2021, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

**WHEREAS,** the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

**BE IT FURTHER RESOLVED**, that the requirements of said aforementioned section of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

**ATTEST:** 

CC: Division of Planning and Development

- Land Use and Development Services
- Office of Construction Enforcement

#### **OUTLINE PLAN CONDITIONS**

#### I. USES PERMITTED

Single Family detached or attached, or townhouse dwelling units.

#### II. Bulk Regulations

- A. Maximum density 15 dua
- B. Maximum height 30 foot to the top of the roof ridgeline
- C. Minimum Building setback from Spottswood Avenue 35 feet
- D. Minimum Building setback from the east property line will be 15 feet and from the south property line 20 feet
- E. Minimum setback from the west property line 15 feet
- F. No structures are permitted over sewer pipes or easements
- G. Building Elevations shall be submitted with the Final Plat. Elevations for Lots 1-4 and 19-20 shall include building materials and elements that are consistent with the surrounding area.

#### III. Access Parking and Circulation

- A. The number of curb cuts to be permitted to Spottswood Avenue will be determined at the time of the Site Plan Review.
- B. Parking spaces shall be provided in accordance with the requirements of the R-ML zoning district.
- C. Adequate queuing spaces for 2 cars shall be provided between the Spottswood ROW and any proposed gate/guardhouse/card reader.
- D. Access to the Kearney Avenue ROW via private drive is prohibited.
- E. All private drives to be constructed to meet the Subdivision Regulations and provide a minimum pavement width of 22 feet, exclusive of curb, gutter, and sidewalk, except for one-way drives that will have a pavement width of 18 feet.
- F. The developer shall establish a no parking zone along the south side of Spottswood Avenue abutting the entire Spottswood Village Planned Development property, subject to review and approval of the City Engineer.

G. All of the community (common area) parking spaces shall be reserved for guest/visitor parking.

#### IV. Landscaping and Other

- A. A landscape plan to be approved by the Office of Planning and Development will be submitted at the time of the site plan review.
- B. Lighting shall be directed so as not to glare onto other residential property.
- C. Existing trees which ca be retained will be identified on the final plan.
- D. A sight-proof wooden fence shall be required along the east property line.
- E. The required landscaping and planting screens shall be illustrated on the outline and final plans. All landscaping and planting screens shall be provided exclusive of all easements and shall not interfere with any easements including overhead wires.
- F. Equivalent landscaping may be substituted for the required above, subject to the approval of the Office of Planning and Development.
- G. Refuse containers shall be completely screened from view from adjacent property and from all public roads.
- H. Lots 1, 2, 3, 4, 19, and 20 shall each maintain a minimum of two single-family residential style refuse containers (trash cans).

#### V. Signs

- A. One ground mounted sign, identifying the development with a maximum area of twelve (12) square feet and a maximum height of six feet permitted. The sign may have illumination from ground mounted lights.
- B. The minimum sign setback shall be fifteen (15) feet.

#### VI. Drainage

- A. All drainage plan shall be submitted to City Engineer(s) for review.
- B. An overall drainage plan for the entire site shall be submitted to the City Engineer prior to approval of the outline plan.
- C. Drainage Improvement to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. The drainage plans to be submitted to the City Engineer must include a written determination from the Tennessee Department of Health and environment regarding

their jurisdiction of the watercourses on this site. If an Aquatic Resources Alteration Permit (ARAP) is required by the State under the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq), a copy of the permit shall accompany the drainage plans submitted, and the plans shall comply with the requirements and conditions of the ARAP.

- E. Design of the storm water conveyance and management facilities for this project shall be in accordance with the "City of Memphis Drainage Design Manual." The manual requires on-site detention of stormwater run-off, generated from the project, which exceed the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable area have been provided for stormwater detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalents are presented; provided, however, any adjacent property owner who is dissatisfied with the modification of the Land Use Control Board hereunder may within ten days of such action, file a written appeal to the Director of Office of Planning and Development to have such action reviewed by the City Council.

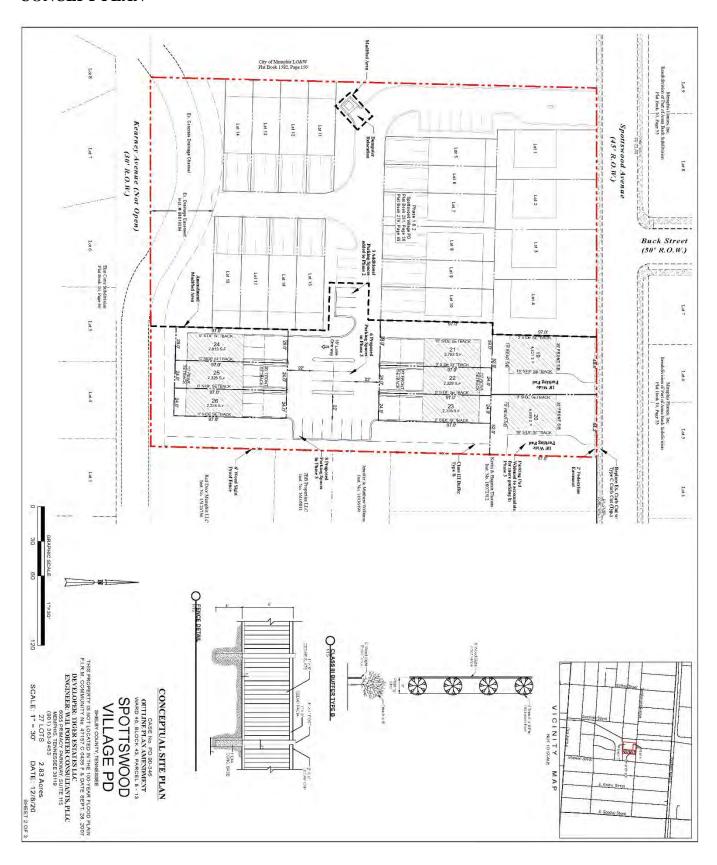
#### VIII. Site Plan Review

- A. A final site plan shall be submitted for the review and approval by the Office of Planning and Development and appropriate City and County Agencies.
- IX. Any final plan shall include, but not be limited to, the following:
  - A. The outline plan conditions.
  - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easement.
  - F. A statement conveying all common facilities and areas to a property owners' association, or other entity for ownership maintenance purpose.
  - G. The 100 year flood elevation, if applicable.
  - H. The following note shall be placed on the final plat of any development requiring onsite stormwater detention facilities: The areas denoted by "Reserved for Storm Water

Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

I. All private street, drives and all common space shall be owned and maintained by a Property Owner's Association. A statement to that effect shall appear on the Final Plat and the instrument number creating such an entity shall be shown on the Final Plat.

#### **CONCEPT PLAN**



#### LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, February 11, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 20-20

**DEVELOPMENT:** Spottswood Village Planned Development

**LOCATION:** 3897 and 3901 Spottswood Avenue

**COUNCIL DISTRICT(S):** District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Tiger Estates, LLC

**REPRESENTATIVE:** W.H. Porter Consultants PLLC – Tim Dagastino

**REQUEST:** Expansion of the Spottswood Village development (single-family

residential)

**EXISTING ZONING:** Residential Single-Family – 6 (R-6)

**AREA:** +/-0.92 acres (expansion area)

The following spoke in support of the application: None

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a unanimous vote of 10-0 on the consent agenda.

Respectfully,

Jeffrey Penzes Principal Planner

Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

File

#### PD 20-20 CONDITIONS

#### **Outline Plan Conditions**

I. USES PERMITTED

Single Family detached or attached, or townhouse dwelling units.

- II. Bulk Regulations
  - A. Maximum density 15 dua
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  - C. Minimum Building setback from Spottswood Avenue 35 feet
  - D. Minimum Building setback from the east property line will be 15 feet and from the south property line 20 feet
  - E. Minimum setback from the west property line 15 feet
  - F. No structures are permitted over sewer pipes or easements
  - G. Building Elevations shall be submitted with the Final Plat. Elevations for Lots 1-4 and 19-20 shall include building materials and elements that are consistent with the surrounding area.
- III. Access Parking and Circulation
  - A. The number of curb cuts to be permitted to Spottswood Avenue will be determined at the time of the Site Plan Review.
  - B. Parking spaces shall be provided in accordance with the requirements of the R-ML zoning district.
  - C. Adequate queuing spaces for 2 cars shall be provided between the Spottswood ROW and any proposed gate/guardhouse/card reader.
  - D. Access to the Kearney Avenue ROW via private drive is prohibited.
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- F. The developer shall establish a no parking zone along the south side of Spottswood Avenue abutting the entire Spottswood Village Planned Development property, subject to review and approval of the City Engineer.
- G. All of the community (common area) parking spaces shall be reserved for guest/visitor parking.

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- B. The minimum sign setback shall be fifteen (15) feet.

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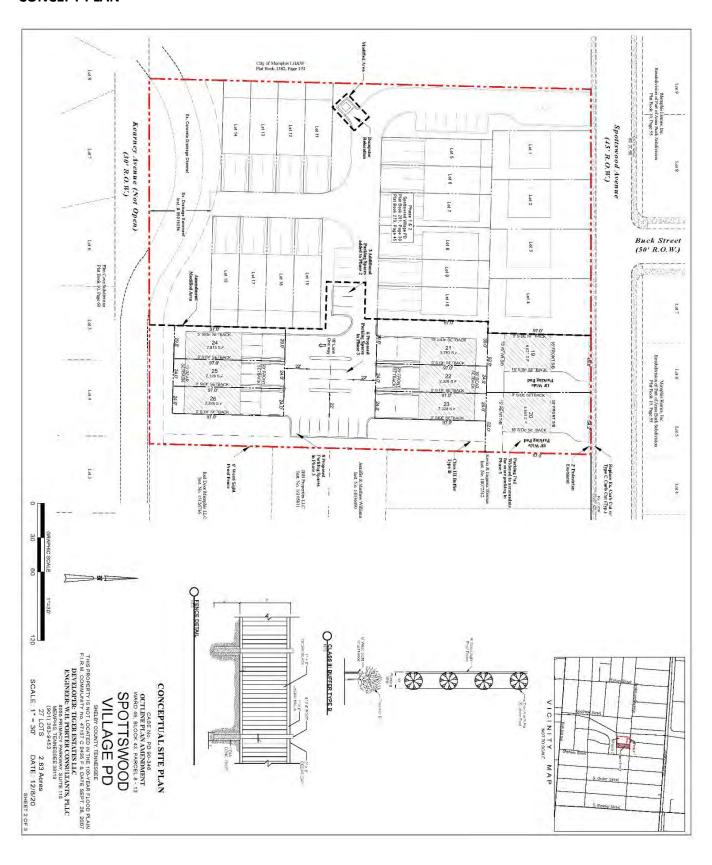
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- D. The drainage plans to be submitted to the City Engineer must include a written determination from the Tennessee Department of Health and environment regarding their jurisdiction of the watercourses on this site. If an Aquatic Resources Alteration Permit (ARAP) is required by the State under the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq), a copy of the permit shall accompany the drainage plans submitted, and the plans shall comply with the requirements and conditions of the ARAP.
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- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalents are presented; provided, however, any adjacent property owner who is dissatisfied with the modification of the Land Use Control Board hereunder may within ten days of such action, file a written appeal to the Director of Office of Planning and Development to have such action reviewed by the City Council.

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  - C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easement.

- F. A statement conveying all common facilities and areas to a property owners' association, or other entity for ownership maintenance purpose.
- G. The 100 year flood elevation, if applicable.
- H. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- I. All private street, drives and all common space shall be owned and maintained by a Property Owner's Association. A statement to that effect shall appear on the Final Plat and the instrument number creating such an entity shall be shown on the Final Plat.

#### **CONCEPT PLAN**





**AGENDA ITEM:** 2

CASE NUMBER: PD 20-20 L.U.C.B. MEETING: February 11, 2021

**DEVELOPMENT:** Spottswood Village Planned Development

**LOCATION:** 3897 and 3901 Spottswood Avenue

**COUNCIL DISTRICT:** District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: Tiger Estates, LLC

**REPRESENTATIVE:** W.H. Porter Consultants PLLC – Tim Dagastino

**REQUEST:** Expansion of Spottswood Village development (single-family residential)

**AREA:** +/-0.92 acres (expansion area)

**EXISTING ZONING:** Residential Single-Family – 6 (R-6)

#### **CONCLUSIONS**

- 1. The applicant is requesting an eastward expansion of Spottswood Village development (single-family residential).
- 2. Since the last month's hold, the applicant has submitted a redesigned concept plan that removed one single-family principal dwelling unit, provided additional on-site parking in the rear section of the development, widened the driveways for the two lots fronting Spottswood Avenue to allow for additional parking, and the applicant has agreed to propose a no parking zone along the south side of Spottswood Avenue that abuts the entire planned development to allow for continuous two-way traffic flow in this section. Additionally, the applicant has provided revised conceptual elevations for the two-proposed single-family principal dwelling units that would front Spottswood Avenue to differentiate them from the existing four single-family principal dwelling units immediately to the west, a full review of the proposed elevations with exterior finishes will occur during the administrative final plat process. Note the applicant has worked to address trash concerns and agreed to work with the neighborhood regarding the obtainment of a blue light camera, see pages 36-37 of this report for the applicant's letter addressing all of the aforementioned items.
- 3. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
- 4. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

#### **CONSISTENCY WITH MEMPHIS 3.0**

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 33-35 of this report.

#### RECOMMENDATION

**Approval with conditions** 

Staff Writer: Jeffrey Penzes E-mail: jeffrey.penzes@memphistn.gov

Staff Report PD 20-20 February 11, 2021 Page 2

#### **GENERAL INFORMATION**

Street Frontage: Spottswood Avenue +/-104.00 linear feet

Zoning Atlas Page: 2140

**Parcel ID:** 046043 00012 and 046043 00013

**Existing Zoning:** Residential Single-Family – 6 (R-6)

#### **NEIGHBORHOOD MEETING**

The meeting was held at 6:00 PM on Tuesday, December 29, 2020, on Zoom.com.

#### **PUBLIC NOTICE**

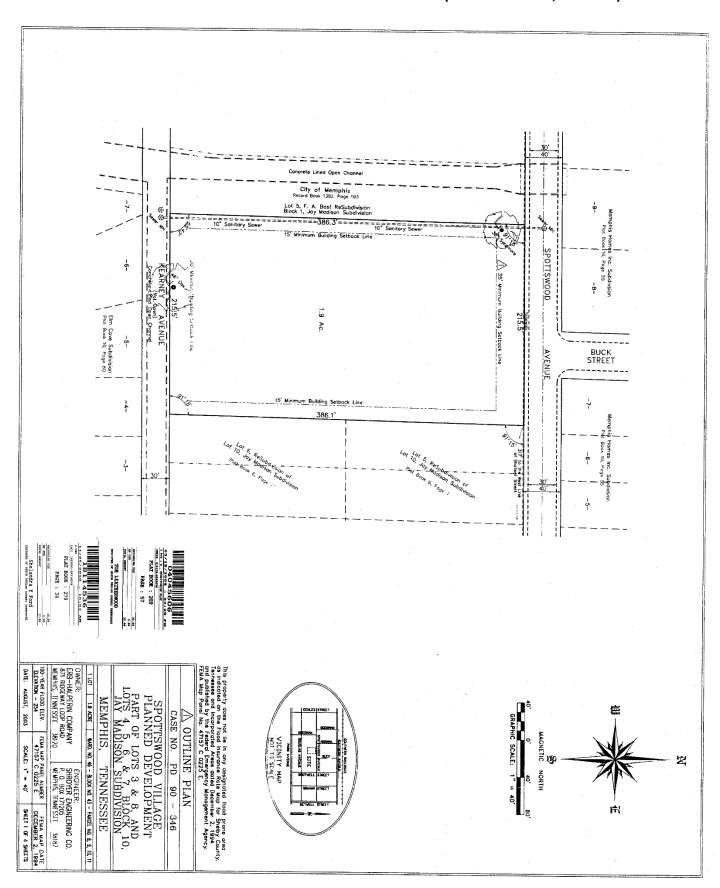
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 137 notices were mailed on December 31, 2020, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

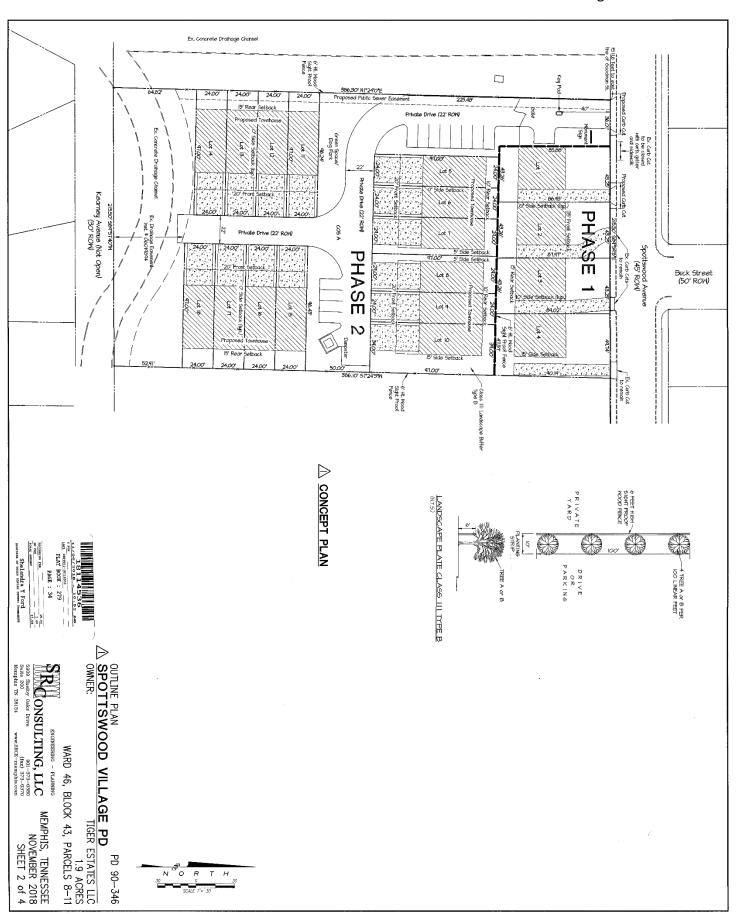
#### **LOCATION MAP**

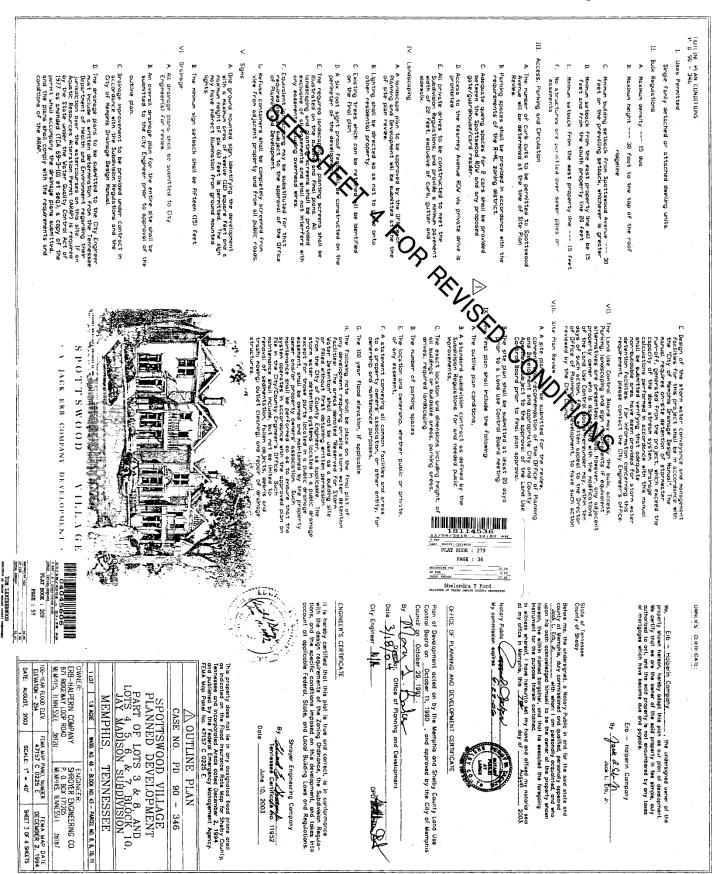


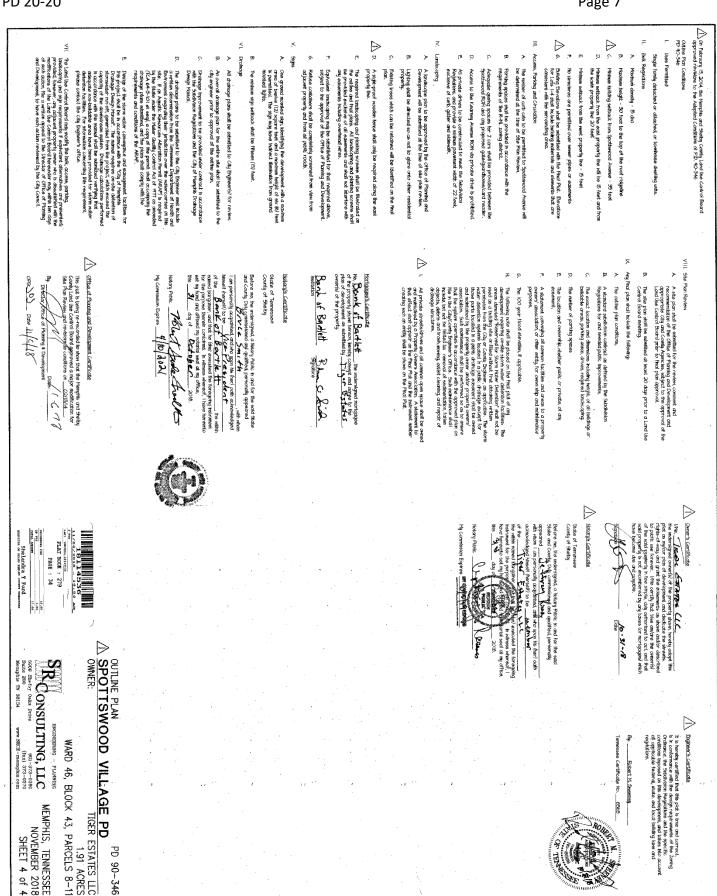
Subject property located within the pink circle, Normal Station neighborhood

#### SPOTTSWOOD VILLAGE PLANNED DEVELOPMENT OUTLINE PLAN (PLAT BOOK 279, PAGE 34)

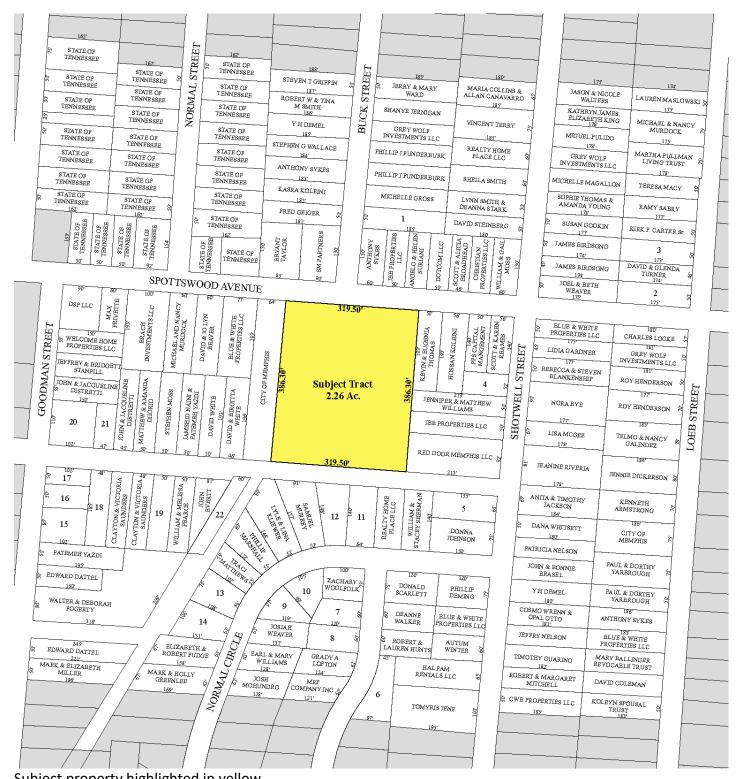






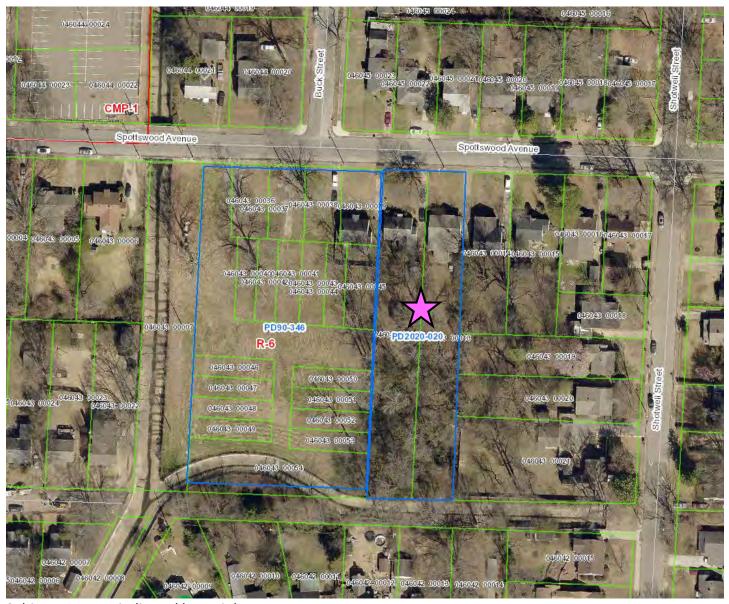


#### VICINITY MAP



Subject property highlighted in yellow

#### **ZONING MAP**



Subject property indicated by a pink star

**Existing Zoning:** Residential Single-Family – 6 (R-6)

#### **Surrounding Zoning**

**North:** Residential Single-Family – 6 (R-6)

**East:** Residential Single-Family – 6 (R-6)

**South:** Residential Single-Family – 6 (R-6)

West: Residential Single-Family – 6 (R-6) and PD 90-346 (Spottswood Village PD)

#### **LAND USE MAP**

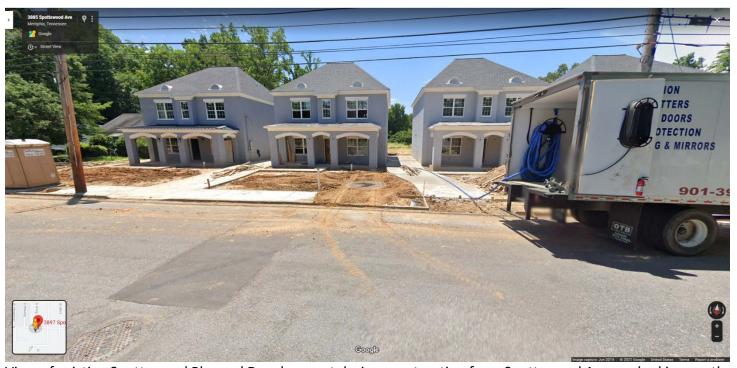


Subject property indicated by a pink star, existing Spottswood Planned Development area outlined in blue.

#### **SITE PHOTOS**



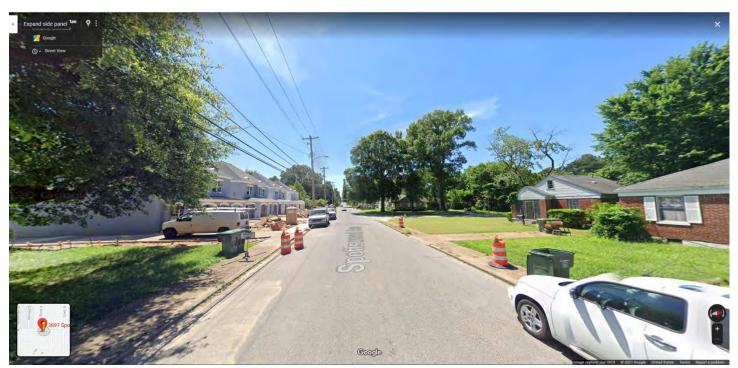
View of subject property from Spottswood Avenue looking south



View of existing Spottswood Planned Development during construction from Spottswood Avenue looking south

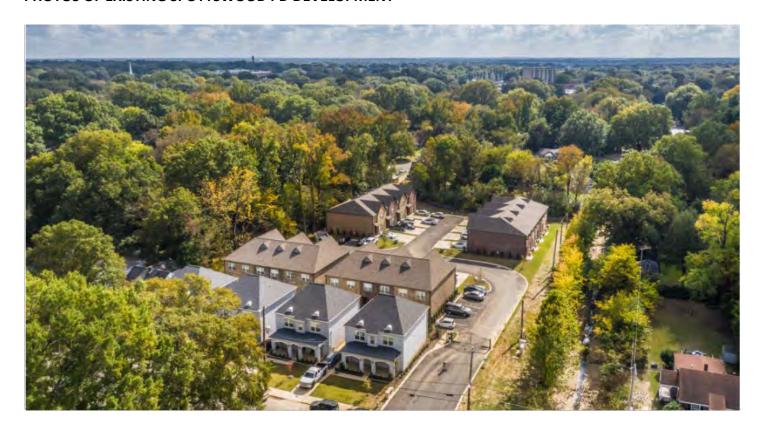


View down Spottswood Avenue from subject property looking east



View down Spottswood Avenue from subject property looking west

#### PHOTOS OF EXISTING SPOTTSWOOD PD DEVELOPMENT









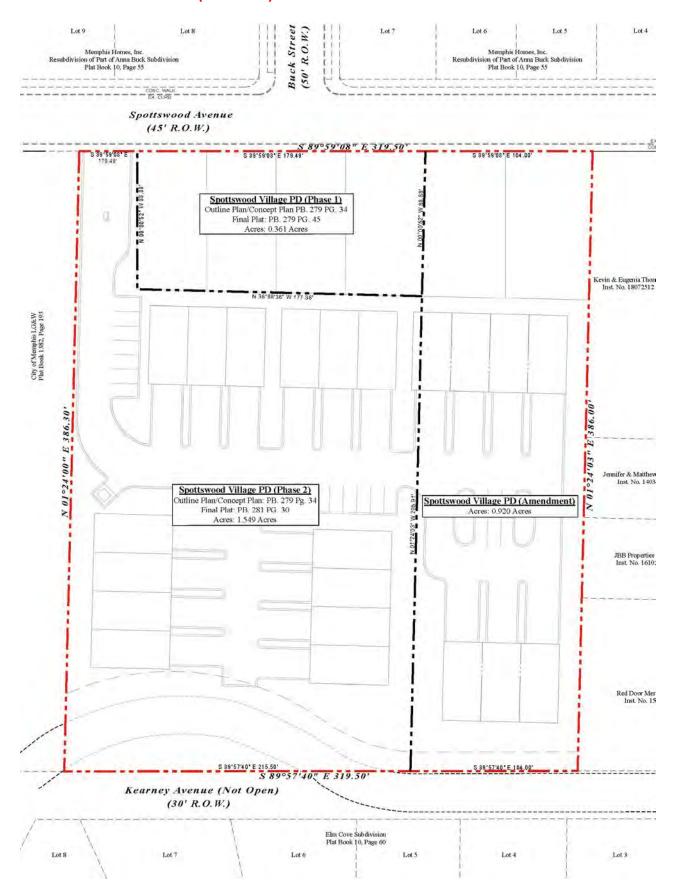
Planning and Zoning Documents March 2, 2021





Planning and Zoping Documents March 2, 2021

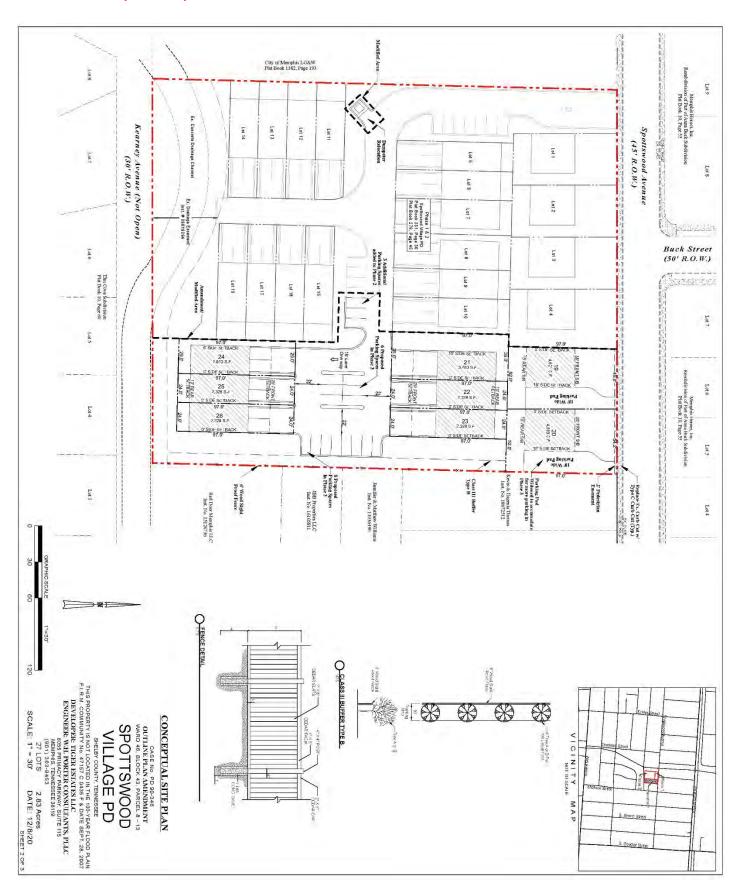
#### **OUTLINE PLAN – ZOOMED (ORIGINAL)**



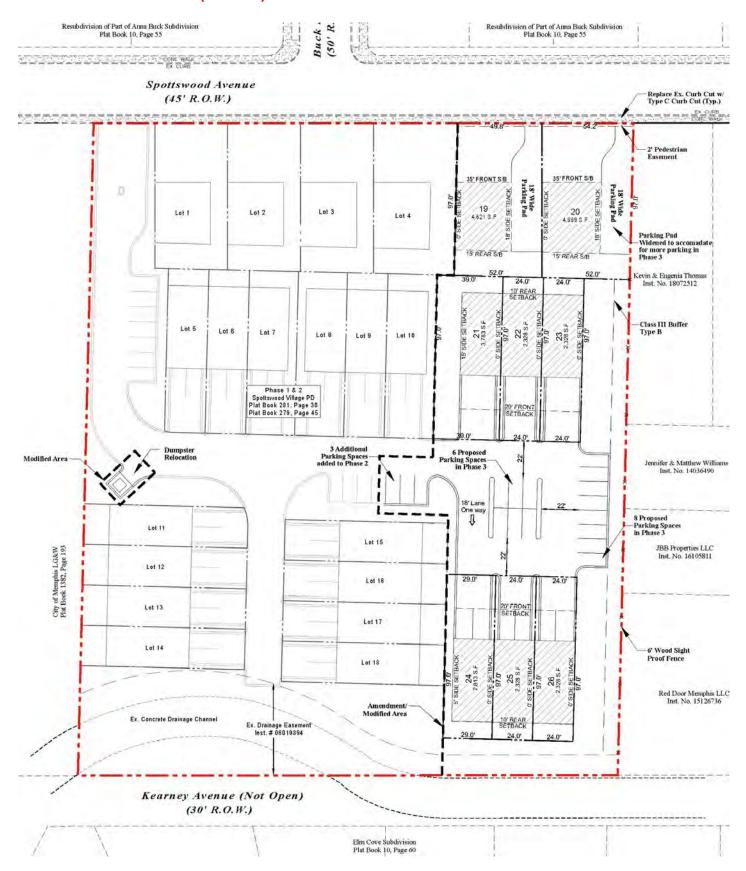
#### **CONCEPT PLAN – ZOOMED (ORIGINAL)**



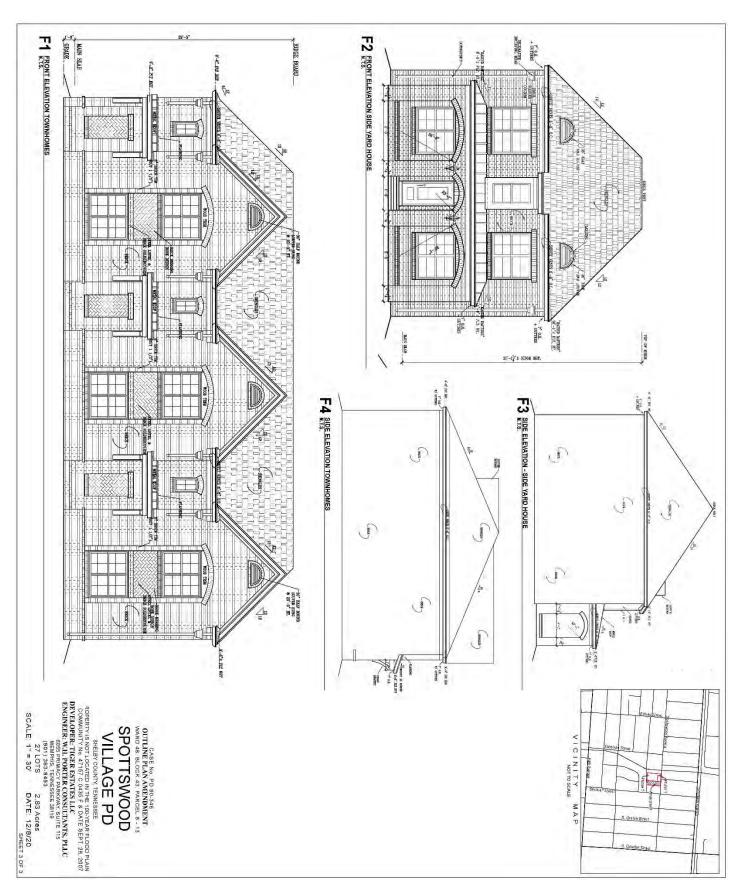
#### **CONCEPT PLAN (REVISED)**



#### **CONCEPT PLAN – ZOOMED (REVISED)**



## **ELEVATIONS (ORIGINAL)**



## **ELEVATIONS (REVISED)**





#### STAFF ANALYSIS

#### Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is an expansion of Spottswood Village development (single-family residential).

#### **Applicability**

Staff agrees the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

### 4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.
- K. Consistency with the Memphis 3.0 General Plan.

#### **General Provisions**

Staff agrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

#### 4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.
- F. Lots of record are created with the recording of a planned development final plan.

#### **Residential Criteria**

Staff agrees the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

#### 4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

#### A. Formal Open Space

A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.

#### B. Accessibility of Site

All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.

#### C. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

#### D. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

#### E. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and

enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

#### F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

#### **Approval Criteria**

Staff agrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

#### 9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.

#### **Site Description**

The subject property expansion area is  $\pm$ 0.92 acres located at 3897 and 3901 Spottswood Avenue. The subject property is a zoned Single-Family Residential  $\pm$ 6 (R-6) and there are currently two single-family houses on the expansion site. The existing Spottswood Village Planned Development (PD 90-346) abuts the western boundary of the subject property. The existing land use in the surrounding area is a mixture of single-family residential, multifamily residential, parking, and institutional.

#### **Conclusions**

The applicant is requesting an eastward expansion of Spottswood Village development (single-family residential).

Since the last month's hold, the applicant has submitted a redesigned concept plan that removed one single-family principal dwelling unit, provided additional on-site parking in the rear section of the development, widened the driveways for the two lots fronting Spottswood Avenue to allow for additional parking, and the applicant has agreed to propose a no parking zone along the south side of Spottswood Avenue that abuts the entire planned development to allow for continuous two-way traffic flow in this section. Additionally, the applicant has provided revised conceptual elevations for the two-proposed single-family principal dwelling units that would front Spottswood Avenue to differentiate them from the existing four single-family principal dwelling units immediately to the west, a full review of the proposed elevations with exterior finishes will occur during the administrative final plat process. Note the applicant has worked to address trash concerns and agreed to work with the neighborhood regarding the obtainment of a blue light camera, see pages 36-37 of this report for the applicant's letter addressing all of the aforementioned items.

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

#### **RECOMMENDATION**

Staff recommends approval with revisions to the outline plan conditions.

#### <u>Outline Plan Conditions – Revisions</u>

Proposed language is indicated in **bold, underline**; deletions are indicated in **bold strikethrough** 

I. USES PERMITTED

Single Family detached or attached, or townhouse dwelling units.

- II. Bulk Regulations
  - A. Maximum density 15 dua
  - B. Maximum height 30 foot to the top of the roof ridgeline
  - C. Minimum Building setback from Spottswood Avenue 35 feet
  - D. Minimum Building setback from the east property line will be 15 feet and from the south property line 20 feet

- E. Minimum setback from the west property line − 15 feet
- F. No structures are permitted over sewer pipes or easements
- G. Building Elevations shall be submitted with the Final Plat. Elevations for Lots 1-4 **and 19-20** shall include building materials and elements that are consistent with the surrounding area.

#### III. Access Parking and Circulation

- A. The number of curb cuts to be permitted to Spottswood Avenue will be determined at the time of the Site Plan Review.
- B. Parking spaces shall be provided in accordance with the requirements of the R-ML zoning district.
- C. Adequate queuing spaces for 2 cars shall be provided between the Spottswood ROW and any proposed gate/guardhouse/card reader.
- D. Access to the Kearney Avenue ROW via private drive is prohibited.
- E. All private drives to be constructed to meet the Subdivision Regulations and provide a minimum pavement width of 22 feet, exclusive of curb, gutter, and sidewalk, except for one-way drives that will have a pavement width of 18 feet.
- F. The developer shall establish a no parking zone along the south side of Spottswood

  Avenue abutting the entire Spottswood Village Planned Development property, subject to review and approval of the City Engineer.
- G. All of the community (common area) parking spaces shall be reserved for guest/visitor parking.

#### IV. Landscaping and Other

- A. A landscape plan to be approved by the Office of Planning and Development will be submitted at the time of the site plan review.
- B. Lighting shall be directed so as not to glare onto other residential property.
- C. Existing trees which ca be retained will be identified on the final plan.
- D. A sight-proof wooden fence shall be required along the east property line.
- E. The required landscaping and planting screens shall be illustrated on the outline and final plans. All landscaping and planting screens shall be provided exclusive of all easements and shall not interfere with any easements including overhead wires.

- F. Equivalent landscaping may be substituted for the required above, subject to the approval of the Office of Planning and Development.
- G. Refuse containers shall be completely screened from view from adjacent property and from all public roads.

# H. Lots 1, 2, 3, 4, 19, and 20 shall each maintain a minimum of two single-family residential style refuse containers (trash cans).

#### V. Signs

- A. One ground mounted sign, identifying the development with a maximum area of twelve (12) square feet and a maximum height of six feet permitted. The sign may have illumination from ground mounted lights.
- B. The minimum sign setback shall be fifteen (15) feet.

#### VI. Drainage

- A. All drainage plan shall be submitted to City Engineer(s) for review.
- B. An overall drainage plan for the entire site shall be submitted to the City Engineer prior to approval of the outline plan.
- C. Drainage Improvement to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. The drainage plans to be submitted to the City Engineer must include a written determination from the Tennessee Department of Health and environment regarding their jurisdiction of the watercourses on this site. If an Aquatic Resources Alteration Permit (ARAP) is required by the State under the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq), a copy of the permit shall accompany the drainage plans submitted, and the plans shall comply with the requirements and conditions of the ARAP.
- E. Design of the storm water conveyance and management facilities for this project shall be in accordance with the "City of Memphis Drainage Design Manual." The manual requires onsite detention of stormwater run-off, generated from the project, which exceed the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable area have been provided for stormwater detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalents are presented; provided, however, any adjacent property owner who is dissatisfied with the modification of the Land Use Control Board hereunder may within ten days of

such action, file a written appeal to the Director of Office of Planning and Development to have such action reviewed by the City Council.

#### VIII. Site Plan Review

- A. A <u>final</u> site plan shall be submitted for the review <u>and approval</u>, <u>comment, and</u> recommendation of <u>by</u> the Office of Planning and Development and appropriate City and County Agencies, <u>subject to the approval</u> of the <u>Land Use Control Board prior to the final plan approval</u>.
- B. The site plan shall be submitted at least 20 days prior to a Land Use Control Board meeting.
- IX. Any final plan shall include, **but not be limited to,** the following:
  - A. The outline plan conditions.
  - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private, of any easement.
  - F. A statement conveying all common facilities and areas to a property owners' association, or other entity for ownership maintenance purpose.
  - G. The 100 year flood elevation, if applicable.
  - H. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

I. All private street, drives and all common space shall be owned and maintained by a Property Owner's Association. A statement to that effect shall appear on the Final Plat and the instrument number creating such an entity shall be shown on the Final Plat.

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#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

#### **City/County Engineer:**

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

#### Sewers:

- 2. City sanitary sewers are available to serve this development.
- 3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

#### Roads:

- 4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
- 5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

#### **Traffic Control Provisions:**

- 6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.
- 7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
- 8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

#### Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

#### Drainage:

- 10. An overall grading and drainage plan that encompasses all phases (2.83 acres) of this PD shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
- 11. This development is located within an impaired drainage basin (Black Bayou 5-C). Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
- 12. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
- 13. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- 14. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

#### Site Plan Notes:

15. Maintain internal access easements to each phase of this development.

#### **City/County Fire Division:**

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
  protection shall be installed and made serviceable prior to and during the time of construction except when
  approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

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City/County Health Department: No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

#### Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, **subject to** the following conditions:

- It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- No permanent structures, development or improvements are allowed within any utility easements, without prior MLGW written approval.
- It is the responsibility of the owner/applicant to comply with the National Electric Safety Code (NESC) and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- Underground Utility separation and clearance: The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- It is the responsibility of the owner/applicant to contact TN-1-CALL @ 1.800.351.1111, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance Landscape and Screening Regulations.
- Street Trees are prohibited, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- Landscaping is prohibited within any MLGW utility easement without prior MLGW approval.
- Street Names: It is the responsibility of the owner/applicant to contact MLGW-Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for Street Naming Guidelines and the Online Street Name Search: http://www.mlgw.com/builders/landandmapping
- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
  - o All residential developers must contact MLGW Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
  - o All commercial developers must contact MLGW Builder Services line at 729-8630 to initiate the utility application process.

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It is the responsibility of the owner/applicant to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Office of Sustainability and Resilience: No comments received.

#### Office of Comprehensive Planning:

Land Use Designation: Anchor Neighborhood – Primarily Single-Unit (AN-S)

Based on the Future Land Use Planning Map, the proposal is **CONSISTENT** with the goals of the Memphis 3.0 Comprehensive Plan.

#### 1. FUTURE LAND USE PLANNING MAP



The red box indicates the application sites on the Future Land Use Map.

#### 2. Land use description & applicability:

The site is designated as Anchor Neighborhood – Primarily Single-Unit (AN-S). Primarily Single-Unit Anchor Neighborhoods are characterized by house scale buildings between one and three stories high. A mixture of detached and semi-detached homes fills this residential designation around the anchor location, mostly consisting of single-family homes or duplexes. These neighborhoods are located within a 10-minute walk of the anchor, making residential more accessible for pedestrians to anchor amenities. See graphic portrayal to the right.



#### "AN-S" Goals/Objectives:

Preservation and stabilization of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services and jobs, building up not out.

#### "AN-S" Form & Location Characteristics:

ACCELERATE - Primarily detached, single-family residences. Attached single-family, duplexes, triplexes and quadplexes permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection and along avenues, boulevards and parkways as identified in the Street Types Map. Height: 1-3 stories. Scale: house-scale.

The applicant is seeking to amend an approved planned development by building 2 single-family detached and 7 single-family attached homes.

The request meets the criteria because single-family detached homes and townhomes are compatible within AN-S areas that are located along an Avenue. Spottswood is defined by the Memphis 3.0 Street Typology as an Avenue.

#### 3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Residential, Institutional, and, Vacant Land. The subject site is surrounded by the following zoning district: CMP-1, R-6. This requested land use is compatible with these adjacent land uses and zoning districts because *existing land use surrounding the parcel is similar in nature to the requested use*.

#### 4. Degree of Change map



The red box indicates the application site. The Degree of Change is Accelerate, ¼ mile.

#### 5. Degree of Change Descriptions

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

#### Actions for Accelerate anchors and anchor neighborhoods are meant to:

- Improve public realm and infrastructure
- Improve multi-modal transportation options
- Speed up development activity
- Increase density
- Increase mix of uses
- Promote and protect affordable housing

#### Ways to Accelerate:

- Increase building height
- Allow greater mix of uses
- Attract retail and service uses that cater to larger-scale markets
- Reduce building setbacks or establish build-to lines
- Construct new streets or pathways to increase connectivity within large sites
- Consolidate smaller lots into larger parcels that are more attractive for development
- Consider tax increment financing (TIF)
   districts
- Improve or create parks and civic assets
- Promote pedestrian-oriented infill development
- Reduce surface parking in favor of structured parking and parking demand management options

Based on the information provided, the proposal is **CONSISTENT** with the goals of the Memphis 3.0 Comprehensive Plan.

#### APPLICANT'S LETTER

#### **RE: LUCB Meeting January**

Tim Dagastino <tdagastino@whporter.com>

Mon 2/1/2021 9:55 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

Cc: 'Rick Winchester' < Rick@thewinchesterlawfirm.com>; 'Linda L Saunders' < President@normalstation.org>

2 attachments (933 KB)

Revised Site Plan.pdf; 1172-1159-254-F Proposed Elevations[1].pdf;

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jeffrey,

I have attached the revised site plan and revised building elevations for your use. Below is a copy of a letter sent to me by the applicant stating the neighbors concerns and actions that we have taken to alleviate their concerns.

Jeff.

I wanted to take a moment to share our thoughts on our Tiger Estates Application, and to address some of the concerns posed by some of the local neighbors. On December 29<sup>th</sup>, 2020 we held a neighborhood meeting to discuss our application for Tiger Estates. The meeting was held via zoom and lasted about 90 minutes. During the meeting the following concerns were brought up by various neighbors, which I listed and reiterated at the end of the meeting so that I was sure I had a complete list.

- Concern: Traffic: It was brought to our attention that traffic was a concern in front of the Tiger Estates site. Spottswood is a narrow road and when people park on both the north and south sides of the street, traffic is generally held to a single lane, which can slow folks down, especially during rush hour. They were concerned that adding additional homes to the community would increase the traffic count, and slow folks down further.
- Concern: Parking: It was brought to our attention that parking was also a concern of the development. The concern for parking seemed to be more aimed at the resultant traffic issues that parking on both sides of the street cause in front of Spottswood. Neighbors were concerned that residents of Tiger Estates were parking on the street instead of in their driveways or assigned spots which compounded the traffic problem. A number of residents went so far as to state that our residents were parking illegally on the north side of the street, and that a "No Parking" sign was removed by our residents, from that side.
- Concern: Litter: Neighbors mentioned that it seems like more trash was floating through the neighborhood, especially in front of the Tiger Estates site since it was erected.
- Concern: Crime: There was a general concern that more homes would bring more crime. There was no indication from neighbors that Tiger Estates was the cause of any crime, but the neighbors simply had a concern that crime was creeping into Normal Station that that more growth would likely increase the crime.
- Concern: One lane driveways for the 4 units abutting Spottswood (Phase 1): Neighbors were concerned that the front units did not have ample parking for their residents. With a single driveway, a car in the rear would have to move in order for the frontmost car to exit. The feeling was that this parking arrangement would lead to more people parking on the street, as opposed to their driveway, which could compound the traffic concern.
- Concern: Home constructed were not Single Family residences: There was a concern that the homes that were built were not single family residences, which they are.

After reviewing the list, and further talking with Ms. Saunders the President of the Normal Station HOA, it became pretty clear that most of the major concerns related to Tiger Estates had to do with traffic, specifically how Spottswood chokes down to a single lane if we have people parking on both sides of the street, which causes delays during peak times of the day impacting neighbors and causing some degree of safety concerns. To this end, we wanted to see if the north side of the street was indeed a "No Parking" zone as some of the neighbors had stated. We called the City of Memphis Traffic Engineering Department and spoke with Terry Glover, whom did an onsite inspection and stated that parking is <u>legal</u> on both the north and south side of the street in the section in front of Tiger Estates. We then asked him how we could get the area in front of Tiger Estates to be "No Parking" and he told us that if we wanted no parking in front of our complex, he could make that happen, with our permission.

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To that end, we wanted to address the aforementioned concerns by proposing the following changes to our initial application:

- We will create a "No Parking" zone on the south side of Spottswood, in front of Tiger Estates. That will force parking on only one side the street, leaving the road open to 2-way traffic. Terry Glover Memphis Traffic Engineering told us this could be done quickly once a work order has been requested.
- We redesigned the two Phase 3 homes that will abut Spottswood (lots 19 and 20). These homes will now have a two lane driveway which will create additional parking spots for people living in the those units, reducing any congestion caused by parking.
- We removed a home from our original Phase 3 design and redesigned the rear area of the PUD to include an <u>additional 17 parking spaces</u>: Phase 2 of Tiger Estates comprised 14 units and 11 extra parking spots in addition to the parking provided by the driveway in front of each home. Phase 3 of Tiger estates will comprise of only 6 additional units in the rear and 17 additional parking spaces. In total, the rear-gated section of Tiger Estates will comprise of 20 homes and 28 parking spots in addition to each units 20' wide driveway. Phase 3's additional parking spaces will provide a significant increase in parking within the PUD which should eliminate any need for residents to park on Spottswood.
- We believe the above actions will completely address the parking/traffic concerns as it relates to Tiger Estates.
- With respect to the trash, we contacted the residents of the front units and found out that they felt that one trash can per household was not enough to hold the weekly trash, so we ordered a 2<sup>nd</sup> trash can for each of the 4 homes that abut Spottswood. We have sent crews out weekly to pick up trash, and have noted a significant decrease in trash since the 2<sup>nd</sup> trashcans were ordered. We believe the extra trash cans resolved this problem.
- With respect to crime, while we don't believe Tiger Estates is contributing in any way to the crime count in the neighborhood, we do see crime in this area as a concern. We have contacted SkyCop and have received quotes to lease or purchase a unit. (Lease \$1245 upfront + \$256/mo. Purchase \$9,805 on time fee) Since crime is a community problem, we are willing to do our share and would contribute 50% to any purchase or lease of a unit that the neighborhood might want installed in front of Tiger Estates. Additionally we would power and pay for any SkyCop utilities needed during the lease period, or lifespan of the unit, and would be willing to house and 'run' the unit. Our hope is that the Normal Station HOA would see the benefit of such a unit and would contribute the other 50% so that we could get one installed.

On 2-1-2021 I spoke again with Linda Saunders (President of the Normal Station HOA) and presented the above plan. She indicated over the phone that she was pleased and appreciative that we were able to build a plan that worked for everybody.

Jeffrey King Principal & Cofounder

P 760.716.5158

Let me know if you need anything else

Thanks,

Tim Dagastino Planner /Project Manager

W.H. Porter Consultants 6055 Primacy Parkway, Suite 115 Memphis, Tennessee 38119 p: (901) 363-9453; f: (901) 363-2722

#### **APPLICATION**



# Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

#### APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Date: 12/7/20	Case #	90-346		_	
	PLEASE TYPE OR	PRINT			
Name of Development: Spottswood	Village PD				
Property Owner of Record:Tiger Estate	tes LLC		Phone #:	760-716-5	5158
Mailing Address: 910 W San Marcos Bl		_City/State: _	San Marcos/C		
Property Owner E-Mail Address: jking	g@meridianpac.com				
Applicant: Tiger Estates LLC			Phone #	760-716-5 <sup>-</sup>	158
Mailing Address: 2760 Colony Park Dr,	STE 103	_City/State: _	Memphis/TN	Zip	38118
Applicant E- Mail Address:jking@me	eridianpac.com				
Representative: Tim Dagastino			Phone #:	901-363-94	53
Mailing Address: 6055 Primacy Parkwa		_City/State: _	Memphis/TN		
Representative E-Mail Address:tdags					
Engineer/Surveyor: Henry Porter (WH F			Phone #_	901-363-94	53
Mailing Address: 6055 Primacy Parkwa	y, STE 115	_City/State:	Memphis/TN	Zip_	38119
Engineer/Surveyor E-Mail Address:	hporter@whporter.com				
Street Address Location: 3897 & 3901	Spottswood Avenue				
Distance to nearest intersecting street: _	260 west of the intersection	on of Shotwell	Street & Spottsv	wood Avenue	<u> </u>
Area in Acres: Existing Zoning: Existing Use of Property Requested Use of Property	Parcel 1  0.46  R-6  Single Family	Parcel 2 0.46 R-6 Single Fam		arcel 3	
Medical Overlay District: Per Section Overlay District.  Unincorporated Areas: For residential					
following information:					
Number of Residential Units:		Bedroo	ms:		
Expected Appraised Value per U	Unit:	or Total	Project:		

Amendment(s): Is the applicant a	pplying for an amendment to a	an existing Planned Development?
	Yes X	No

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

#### 4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

• The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

This development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

• An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

Once the development is approved, construction documents shall be submitted for approval to the City of Memphis Engineering Department.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

  The parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses.
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The requested amendment is an addition to a previously approved PD consisting of attached residential units for University of Memphis students.

• Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

There is a homeowners association currently maintaining Phase 1 & 2 of this development which will also maintain Phase 3 if this amendment is approved.

• Lots of records are created with the recording of a planned development final plan.

Once the final plan is approved by the Engineering Department the lots shall be recorded.

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#### REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 11/24/2020 with Jeffrey Penzes

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record

Date

Applicant

# GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A THE APPLICATION Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
  - This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
  - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. LETTER OF INTENT The letter shall include the following:
  - a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
  - b) A list of any professional consultants associated with the proposed development.
  - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

3

#### LETTER OF INTENT

# W. H. PORTER CONSULTANTS, PLLC

6055 Primacy Parkway, Suite 115 Memphis, Tennessee 38119 (901) 363-9453 FAX: (901) 363-2722 Engineers, Planners, Surveyors, Consultants

December 7, 2020

Mr. Josh Whitehead Planning Director, Land Use Controls Office of Planning and Development 125 N. Main Street, Room 468 Memphis, TN 38103

RE: Application for an Amendment to

Spottswood Village Planned Development

Case No. PD 90-346

Mr. Whitehead,

On behalf of Tiger Estates LLC, we are pleased to submit an application for an Amendment to the Spottswood Village Planned Development (PD 90-436). The subject property is located near the intersection of Spottswood Avenue and Buck Street in the University Planning District. The vision behind Spottswood Village was to give University of Memphis students an opportunity to live in a newly constructed residence close to campus without having to live in dormitories and the results have been exceptional. Even during the unprecedented times caused by COVID-19, these residential units have maintained full occupancy.

The applicant is requesting an Amendment to Spottswood Village PD in order to add an additional 0.92 acres to the previously approved Planned Development. The Conceptual Site Plan shows that the newly added area will mimic Phase 1 and 2. There will be two single-family homes that face Spottswood, like there were in Phase 1 of Spottswood Village, which will resemble the character of the surrounding neighborhood. The 22' private drive will be extended into the new area and will add approximately 7 single-family attached homes. There will be six additional parking places provided in the amended area and three additional parking spaces will also be added to Phase 2 of Spottswood Village. The refuse dumpster will also be relocated in Phase 2 in order to offer a better angle for trash pickup.

We appreciate your support with this request. Please contact me if you have any questions.

Sincerely,

Tim Dagastino

Project Manager/Planner

#### **SIGN AFFIDAVIT**

# **AFFIDAVIT**

Shelby County		
State of Tennessee		
on the 16 day of December , 2020 pertaining to Case No.PD 20-20 at 3897 &39	_, I posted 1 Public I	1
providing notice of a Public Hearing before to X Memphis City Council, Shelby consideration of a proposed Land Use Acceptable Special Use Permit, Zoning Distand/or Alley Closure), a photograph of said sign(stressign purchase receipt or rental contract attachments.	he $X$ Land Use County Board of Commetion ( $X$ Planned liftering Map Amendment, _s) being attached hereon	nissioners for Development, Street
Owner, Applicant or Representative		20
Subscribed and sworn to before me this 16  Constance Wakeman  Notary Public	day of <u>Secember</u>	, 20 <u>20</u> .
My commission expires: (12, 20, 2023		
STATE OF TENNESSEE NOTARY PUBLIC OF TENNESSEE NO		

#### **LETTERS RECEIVED**

Six letters of support and thirteen letters of opposition were received at the time of completion of this report and have subsequently been attached.

Note the thirteen letters of opposition were received prior to revised plans and conditions contained within this report.

#### Fwd: I wanted to follow up to see if you understood the last plan I sent

S	Wed 2/3/2021 5:20 PM				Ш
	To: Penzes, Jeffrey				
	Cc: Jeffery King <jking@meridianpac.com>; Tim Daga</jking@meridianpac.com>				
	<b>CAUTION:</b> This email originated outside of the <b>City of Memphis</b> organization. Do not cattachments unless you recognize the sender and know the content is safe.	lick link	s or op	en	

After working with Jeffrey King, of Meridian Pacific Properes o ver the last several weeks we believe that we have come to an agreement that will allow us to support the proposed expansion of Tiger Estates (PD 20-20) so long as the Land Use Control Board agrees to include the following as Condions to the development plan:

- Each of the six (6) housing units (Lots 1, 2, 3, 4, 19 and 20) fronng Spos wood Avenue are required to have a minimum of two (2) trashonlyreceptacles.
- 2. South side of Spottswood Avenue in front of Lots 1, 2, 3, 4, 19 and 20 to be designated by the City of Memphis as 'No Parking' Zones.
- No more than four (4) permanent residents shall occupy any housing unit (Lot).

We are grateful to Jeffrey King for his willingness to redesign the proposed development-plan in response to the Staff Report's suggested reducon in the number of lots and an incr ease in the number of parking spaces. It appears to us that Meridian has made a good faith effort to add as many addional single-c ar parking spaces as is possible while sll k eeping the development financially viable. At present we understand the new proposal limits new Lots to 8 with 17 new single-car parking spaces in addion to the 2 double-car parking spaces per Lot.

In addion to the redesign of the physical development we believe the inclusion of the above Condions in the Plan is necessar y to bring about posiv e change in the areas of neighborhood concern. For example, eliminang the dang erous bole-neck thaàt increased street-parking is causing on Spos wood requires both the prevenon of c ars parking simultaneously on both sides of the street and enough single-car parking spaces within the development to provide an alternav e to parking on the street.

Thank you in advance for your consideraon.

Sincerely,

Linda L Saunders President, Normal Staon Neighborhood Associaaon 901.237.7801

February 1st, 2021

Brittany E. Perez

3875 Spottswood Ave

Memphis, TN 38111

To Whomever It May Concern,

It is my pleasure to write a letter in support of the expansion of Tiger Estates. As one of the original tenants of Tiger Estates, my experience living here has been a sufficient one.

Having moved here a year ago from another state, living here has made a comfortable living for me in Memphis. Not only is there a comfortable living space, there is also sufficient parking available at Tiger Estates. Furthermore, the environment of Tiger Estates is very welcoming for the following tenants and myself are very neighborly to each other.

In conclusion, I fully support the efforts of Meridian Property Management in their expansion. I believe that it will be beneficial towards our current tenants and future tenants.

Sincerely,

Brittany E. Perez

# **Tracy Jamison**

From: christian walden <christian-walden@hotmail.com>

Sent: Tuesday, February 2, 2021 2:15 PM

**To:** Tracy Jamison

**Subject:** Letter

Christian Walden 692 Tiger Estates Dr. Sufficient parking is available. I support the expansion of Tiger Estates!

Sent from my iPhone

# **Tracy Jamison**

From: Janki Y Patel (jypatel) <jypatel@memphis.edu>

Sent: Tuesday, February 2, 2021 12:09 PM

**To:** Tracy Jamison

Subject: Letter

Hello,

My name is Janki Patel, I currently live at the Tiger Estates-- 3874 Spottswood Ave. Memphis, TN 38111. I believe we have sufficient parking, and I definitely support the expansion of Tiger Estates.

#### Thank you,



#### Janki Patel

Junior | Health Studies Concentration of ESMS

Class of 2022

President, Indian Students Association The University of Memphis Melanie Carroll

3875 Spottswood Ave. Memphis, TN. 38111

02/02/2021

#### **Letter of Support**

Being a transplant to the Memphis, Tennessee area from the Mississippi Delta, the hunt for a safe community to live was imperative and at times overwhelming. After months of trying to find a place to live; I found Tiger Estates. The Tiger Estates community has proven to be one that has been not only one that I feel safe but one where I have made lifelong connections with young individuals that will go on to do great things into the world. I am proud of saying that I am a resident of the Tiger Estates community. The happiness shown by not only myself but as well as others that live in our community is one that should be experienced by others. A beautiful community with sufficient parking; I am in support of Tiger Estates expansion.

Melanie Carroll

Melanie Carroll

Sydney Ford 3874 Tiger Estates Dr. Memphis, TN 38111

#### To Whom It May Concern:

I am Sydney Ford, a current University of Memphis student, who has been living at Tiger Estates since August 2020. I chose to live at Tiger Estates, instead of on campus, this year because of the adequate space and homey environment. So far, my experience has been great! The small problems that I have had, have been fixed immediately or in a timely manner. I am supportive of more construction of Tiger Estates because I think that more college students should be able to live in such a nice environment. With that being said, there is adequate parking for tenants. Compared to the other college apartments around the University of Memphis area, Tiger Estates has the best offerings.

Sincerely, Sydney Ford

#### **BD 20-20 Tiger Estates**

#### Ames Saunders <amesds@yahoo.com>

Thu 1/7/2021 9:59 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Penzes

I wish to voice my concerns about the proposed expansion of Tiger Estates. Spotswood Ave is already congested in front of Tiger Estates making it effectively a one way street with no one particular direction (direction being set by the car that gets the to bottleneck first). I fear the expansion will only compound the problem by extending the congestion further down the street. All my family and friends in Normal Station have been having issues with the bottlenecking of Spotswood as it impedes travel though the neighborhood. With Douglass and Marion Ave. closed off at Goodman, Spotswood is the only thoroughfare straight though the neighborhood. Thank you for your consideration.

**Ames Saunders** 901-2377802

#### Tiger Estates/Normal Station neighborhood

Joanne Hooker-Melton <fit2swim@yahoo.com>

Thu 1/7/2021 8:16 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir.

Can we PLEASE PLEASE PLEASE consider the well being of the ENTIRE neighborhood and not just the "bottom line".

These issues are of ultimate importance as we continue to increase the population is a small area:

- !. adequate parking and LEGAL parking
- 2. enhanced security and lighting
- 3. general trash pickup/appearance.

Renters have a much less "vested interest" in the area and the property values are impacted often to the detriment of all surrounding these areas.

Thank you for your time and consideration.

Respectfully,

Joanne Hooker-Melton

#### **Tiger Estates - Spottswood**

#### Joseph Robbins < jrobbi001@att.net>

Thu 1/7/2021 8:43 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Penzes.

My name is Joseph Robbins and I am a resident and homeowner in Normal Station. I live at 3854 Douglass, just around the corner from this development. Please allow me this opportunity to voice my concerns in regard to this planned addition.

You will probably receive several emails regarding the parking and trash issues, so I will touch on those briefly. The current development does not have adequate parking so the residents park on the street. This has essentially turned Spottswood, from Shotwell to the bayou, into a one lane street where one has to wait for cars to pass before proceeding. The parking for the existing street facing units is in no way viable as the residents would be forced to park 4 cars deep in a single line. Please address adequate, useable parking in the next phase. Ideally this would be enough spaces within the interior of the development for the number of bedrooms/residents of the entire apartment complex. The developer counters this by saying that maybe all residents don't have cars. But I would hazard a guess that most college students in the South, living off campus and able to afford almost \$800 a month in rent, have a car.

Trash is another concern. I now take a trash bag with me on my walks around the neighborhood and pick up a bag every time I'm out. This of course is not limited this project, but it certainly contributes it's fair share. Please address maintenance of the properties in your decision.

Another concern is the removal of all the mature trees on these lots. This has a definite impact on the look and feel of the neighborhood. And since these lots are large, this project will impact more homes on Normal Circle and will now back up to homes on Shotwell as well. Please consider provisions for preserving some matures trees and heavier landscaping, including trees, around the perimeter of the entire complex. This is especially important for the east and south sides of the project. This will help with the asphalt apartment complex feel of the current development.

My last concern is a bigger picture concern. As discussions have developed over the past year in our country over how to develop strong communities and grow wealth in lower income areas one point continually emerges - home ownership. With this project, more affordable, actual single family homes are being taken out in favor of a rental company's profits. This is one of the few neighborhoods left in Memphis where you can get a pretty good little house, in a pretty good neighborhood, for a pretty good price. If I had not found this neighborhood, I would not have been able to buy a house within Memphis. I would love to see more people be able to have that same opportunity. But as these homes are taken out by rental companies that is not possible. Please consider limiting future "single family home" apartment complex projects to the perimeters of the neighborhood. Redeveloping any of the derelict or empty lots along Park Ave or Highland would certainly benefit the neighborhood and the University more than projects like this within the neighborhood. This would also allow for more opportunities for low to moderate income people to become homeowners within the neighborhood itself. Again, I think affordable home ownership options, versus rental company profits, should be a consideration as we think of building and strengthening our community as a whole.

Thank you for your time and consideration

Joseph Robbins

#### Concern about planned Tiger Estates development expansion in Normal Station Neighborhood

#### Kat Leache <kleache@gmail.com>

Wed 1/6/2021 8:18 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

I am writing to express my hope that our neighborhood, Normal Station Neighborhood Association in the University District, will be able to negotiate some crucial safety concessions with the expansion of the Tiger Estates development.

When the development was first proposed, and then again when construction began, our neighborhood spent a lot of blood, sweat, and tears trying to block them altogether. It is the general feeling that our neighborhood is not in need of MORE rental property and that dense infill is not good for the greater neighborhood. That being said, we have always been a neighborhood with a healthy mix of student renters, young professional renters, families with young children, elderly people, etc. Unlike a lot of nearby neighborhoods, we really don't mind the renters at all.

But we also have our families' safety to think about. Since the Tiger Estates development began renting, crime in those blocks has flared up, trash has been an issue, and parking/drivability has been a nightmare. Additionally, as the mom of small kids who scoot/walk/stroll around the neighborhood regularly, that strip of Spottswood has gotten even more treacherous. Frankly, I'm not sure a fire truck could make it through that corridor some days due to all the street parking.

We are willing to concede that the Tiger Estates expansion may happen whether we like it or not. But we don't feel it's too much to ask that concessions be made by the developers to neighborhood concerns. In my opinion, this is even more crucial considering the bad blood that sprang up when the development was first planned.

Thank you for passing my comments along to the Land Use Board when they meet to discuss this expansion next Thursday, January 13.

Respectfully, Kat Leache Homeowner/Normal Station Neighborhood

#### **Tiger Estates**

#### Lack, Willease < Willease.Lack@terminix.com>

Thu 1/7/2021 3:01 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Jeff. We have concerns about the Tiger Estates applicaon in Normal St aon. W e've lived in the neighborhood since 1979 and I'm a Past President of the Normal Staon Neighborhood Associaaon.

Tiger Estates does not conform to our current zoning for single family housing nor does it provide adequate parking. Spos wood is a major thoroughfare for our neighborhood and now vehicles are parked on both sides of the street because the design doesn't allow enough parking for the number of residents per unit.

We strongly opposed the first phase of Tiger Estates on this basis and we're frustrated that our city does not upholding zoning regulaons which prootect homeowners. Why do we have zoning if we don't uphold it? Luckily I don't live adjacent to Tiger Estates or I would be suing the city for the impact on my home value.

We ask that you reconsider approval of this next phase. We're not opposed to single family homes, but we're strongly opposed to the density and impact to our neighborhood. These older neighborhoods weren't designed for this many occupants from an infrastructure standpoint (sewer, drainage, street design).

This is in the heart of a historic neighborhood where people care about each other and their community. Please stand with us to protect our lifeme in vestments.

Thank you.

Willease Lack 3656 Carnes Avenue 901-508-7867

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#### **Proposed Expansion of Tiger Estates**

#### Lyle Kliewer < ldkliewer@gmail.com>

Thu 1/7/2021 11:22 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>; Linda Kliewer lindawkliewer@gmail.com>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the opportunity to weigh in on this proposal. My family and I are long time residents of the Normal Station neighborhood, not because we have to be, but because we choose to be. While we welcome newcomers to the neighborhood, residents who plan to live in a location for the short term, are not generally committed to the long term well-being of the neighborhood. The developer of Tiger Estates has placed a commercial venture that in effect is an off-campus dormitory for the University of Memphis, in the middle of a residential neighborhood. By design, it contributes to this lack of commitment to the neighborhood, so I oppose any expansion of it.

Having expressed that point of view, I have no illusions that my objection will stop further development of this commercial venture, so let me at least suggest a couple of contingencies that I would like to see put in place prior to approval of further expansion: A. Aesthetically pleasing 10 foot privacy fencing either installed around all perimeters of the housing project not facing the street (both of existing and future expansion), or made available for free to home owners within eyesight or earshot of the project. B. Off-street parking provided for residents of existing housing and any future expansion. The current parking situation along Spottswood Avenue renders that street a heavily traveled single lane thoroughfare during off-school hours, and is unsafe for motorists and pedestrians alike.

C. Aesthetically pleasing landscaping installed street-side. While it seems that efforts were made to make the buildings themselves pleasing to the eye, the existing property still gives off an appearance of blight. This could be corrected by architecturally designed landscape. That correction should happen prior to any further expansion, and should be incorporated in any future construction of Tiger Estates.

Thank you for your consideration, Lyle Kliewer

#### Tiger estates atrocity

#### marda kaiser <mardakaiser@yahoo.com>

Thu 1/7/2021 6:40 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mr. Penzes.

I live in Normal Station and am appalled by what has been allowed to take place at the Tiger Estates development. I understand it has already been approved for this encampment to rent by the bedroom, but to add insult to injury is really hard to take. Adding more rooms for rent buildings will further aggravate the parking, crime, and garbage problems that have accelerated since destroying the actual single family homes on Spottswood.

Please if there is anything that can be done to reign in the

- 1) parking problem by requiring a practical number of actual usable parking for each 4 bedroom place,
- 2) garbage problem by having someone regularly pick up trash along Spottswood
- 3) crime problem by having 24 hour security

it would help soften the sting of this disrespectful build in our neighborhood.

Thanks for your time.

Marda

"Setbacks are inevitable, but misery is a choice." - Dr. Paul Stolz

#### Opposition to Tiger Estates extension

#### Margaret Vandiver (vandiver) <vandiver@memphis.edu>

Fri 1/8/2021 9:03 AM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes:

I am contacng you to express my strong opposion to the extension of Tiger Estates on Spos wood. The Normal Staon neighborhood has opposed this development in its various iteraons since it was first proposed in the early 1990s. In 2014, we argued before you that the development would have a negave impact on Normal Staon, increasing traffic, creang parking problems, causing congeson, o vertaxing infrastructure, and damaging the historic character of the neighborhood. All of these concerns have been borne out – and now the developers want to take even more of our neighborhood.

I ask you to do two things before you vote:

- 1. Drive down Spos wood in the area of Tiger Estates and note the impossible boleneck cr eated by the traffic and parking this development has already generated.
- 2. Take note of the disnove character of our neighborhood, which has received local and naonal recognion.
  - a. In 2001, a "Cultural Resource Survey" of Normal Staon w as undertaken by Memphis Heritage. This survey concluded: "[Normal Staon] is an exceponal sampling of the residenal architectural styles prevalent in the southern United States from 1912-1952, namely the bungalow and the double pile coAage. These unpretenous homes represent Normal's disnov e cultural history .... Abusive alteraons to individual homes and intrusions by surrounding University and commercial areas are minimal, and do not degrade the overall character of the neighborhood."
  - b. In 2002, the Office of Planning and Development and NSNA created a "Normal Staon Neighborhood Plan" which concluded in its Design Guidelines that guidelines should be developed "to maintain the neighborhood's historic character."
  - c. In 2005, our neighborhood was designated the Normal Staon His toric District and listed on the Naonal R egister of Historic Places. The NRHP descripon of our neighborhood not es: "The roughly three-quarter square mile historic district is located approximately 7.5 miles east of downtown in the University of Memphis area of old East Memphis and contains a largely intact and homogenous residenal building s tock."

Normal Staon neighborhood r esidents agree with Memphis Heritage, OPD, and the Naonal R egister of Historic places that we have something worth protecng. The proposed development violates what we want for our neighborhood, what we have worked for years to preserve and to protect, and what the current zoning promises us.

I fully understand that our opposion is unlikely to prevail. We are not a wealthy neighborhood, and therefore we are unable to resist the depredaons of deavelopers in the way that richer areas can. Being near the University, we are vulnerable to those who wish to make quick money without making any investment or effort to improve the neighborhood. The zoning and planning to which we have devoted so much effort are disregarded as soon as a developer wants to override them. Nonetheless, we will connue to oppose inappropriate development and we ask you, yet again, to honor the history and character of this neighborhood.

Sincerely,

Margaret Vandiver 799 S. Graham Street Memphis, TN 38111

#### Spottswood Village, PD 20-20

#### MARY OGLE <mogle1@comcast.net>

Thu 1/7/2021 8:58 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am concerned about the proposed expansion of Spottswood Village. Parking, crime (according to CyberWatch reports, usually robberies and drug sales), and trash have already been problems on Spottswood, with parking being a particular problem in the immediate Spottswood Village area, which is on Spottswood between Goodman and Buck streets.

I live two blocks from Spottswood and one-half block from Goodman. I pass by that area several times every week. Spottswood is two lanes and is not very wide, so when cars are parked on the street, it leaves very little room for two cars to pass each other. Illegal parking at the corner instead of some distance back from the corner has been a particular problem, with cars parking right at the corner on southbound Normal Street at Spottswood, which creates a line-of-sight issue for southbound Normal Street traffic waiting to turn westbound onto Spottswood.

I believe the parking proposal for this proposed expansion is insufficient, as was the parking provided for the existing Spottswood Village P.D.

I request that the developer modify the proposal to address these issues.

Mary Ogle Resident owner of 3776 Carnes, 38111

#### Tiger Estates expansion (PD 20-20)

#### ahome4u.memphis@gmail.com <ahome4u.memphis@gmail.com>

Thu 1/7/2021 4:24 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Penzes,

As a long-mer esident of Normal Staon (29 years), and as an owner of 6 single-family rentals in the neighborhood, I would like to register my concerns about the proposed expansion of Tiger Estates.

As you are aware, the City has a Normal Staon Neighborhood Plan fr om 2002, and the University District has a Comprehensive Plan from 2009. (There may be more recent planning documents of which I am not aware.) Both are the result of countless hours of research and collaboraon by mulple city agencies and other affected and interested pares. And both recognize the character of the Normal Staon neighborhood as being pr edominantly single-family homes, and pledge to keep it that way. Here are some excerpts from the NSNP.

"Recommendaons for future land use include downzoning a large poron of the area zoned Duplex to R-S zoning. Currently the majority of residenal land use in the neighborhood is single f amily and a. empts through rezoning should be made to ensure that this connues. "

"In order to protect the character of the residenal neighborhood, which is predominantly single family, a reducon in the area zoned for duplex housing is proposed."

To say that we, as a neighborhood associaon, ha\u00e4ve seen this good and sensible planning ignored me a\u00e4. er me o ver the past 10 years in favor of patchwork mulf amily development (duplexes and upward) would be a huge understatement. The exisng Tiger Estates is a prime example of this trend. The 18 units that have replaced the 4 former single-family residences have created a parking problem that congests Spos wood along that block, day and night. The parking spots allocated to this development are not sufficient for the number of residents there, so the street becomes overflow parking on both sides. Many of us who live in the neighborhood avoid using Spos wood now to get from the East side of NS to the West side, or take a longer way around to avoid what feels like a perpetual construcon z one (though the construcon is long since finished). Thea proposed additional parking f or the proposed additional 9 units appear s to be weefully insufficient, which will only add to this ongoing problem. I would ask that the proposal reduce the number of units by two in order to provide addional parking f or the enr e Tiger Estates development.

My other requests would be for enhanced security (a SkyCop camera or regular security patrol) to be paid for by Tiger Estates, to be der monitor the large amount of acvity than goes on in this small area. Unfortunately the NS neighborhood has seen an increase in crime of many sorts in recent years, and a congregaon of college students in 27 units tends to invite more crime than the equivalent 6 single-family homes would.

I assume that drainage has been fully considered, since that is also an ongoing problem in NS and is also aggravated by the construcon of homes, driv eways, and parking lots such as Tiger Estates. My son had a rentable unit destroyed by an overflow of the Black Bayou drainage ditch last year, so this is an ongoing problem that affects many of the residents of the neighborhood.

Thank you for considering my concerns, and those of many other residents of the NSNA. We rely on professionals like the Division of Planning and Development and the Land Use Board to protect our neighborhoods and our city from development that is poorly-designed and causes long-term decline rather than improvement. Please let me know if you have quesons about any of my concerns.

Ma W eaver 627 Watson Street

#### **Tiger Estates**

#### Pat Walters <hzfullgarners@gmail.com>

Thu 1/7/2021 5:47 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I DO NOT want this housing in our neighborhood.

Too much on street parking.

Too much trash on street.

Traffic congestion.

Too many people. This is a neighborhood not student housing.

This has already been horrible for traffic flow. I avoid Spottswood.

This is evil, only for \$\$\$. This is NOT NOT helpful to our neighborhood. You are interlopers who do not belong here. Go make your money elsewhere.

You are not wanted.

Pat Walters 3828 Kearney Ave Memphis, Tan 38111

Sent from my iPad

#### Tiger Estates' expansion

#### Victoria Saunders < Vfsaunders@aol.com>

Thu 1/7/2021 5:37 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Vicki Saunders. I am a forty year resident of Normal Station and live within sight of the Tiger Estates development, across the Black Bayou ditch. I own several other homes within the neighborhood boundaries, because like many of my fellow long term residents I am passionate about preserving the uniqueness of this little area. For at least the entire forty years that I have been witness to its history, Normal Station has been perhaps the only community in our city that models diversity - multi-ethnic, diverse in race, in age, in occupation, in political persuasion and in religion.

Tiger Estates was, at first, a shock to that diversity as it injected a density of student housing in the heart of the neighborhood. In a mostly R1 area, two story, four bedroom structures that are essentially rented by the room to (generally)students was big change of which neighbors were merely informed but not consulted. But as I said previously, Normal Station is a real neighborhood, a congenial place to live, the developers have tried to fit in and neighbors have adapted to the change as best we can.

On the application for expansion of the project, I am hoping that the planning board will consider what could have been done better with the original build and what can be corrected going forward. The Normal Station neighborhood is, especially where Tiger Estates are located, almost exclusively, an R1 area. The lots follow those zoning regulations and generally, house small families or roommates. On my block, for example, there are 14 homes (including one duplex) with a total of 32 occupants. In smaller space, Tiger Estates houses double that amount. Density is by far the greatest cause of most problems with the project and if the new section can house less occupants, that would be ideal. The most pressing challenges that spring from that problem that can be addressed without too much delay or inconvenience to the project are parking, security and trash.

The problem of parking requires some explanation. I would ask that the planning commission require actual usable parking spaces to accommodate the residency capacity for each building. What I mean by "actual usable" parking is just common sense. At my house we have two cars parked in our single file driveway. In our family this only works when our schedules allow us to wait for the other driver to move their car so the front car can get out. It would never work, and would cause one of us to park in the street, if we were unrelated and did not have compatible schedules. On the original buildings, Tiger Estates was allowed to count as four usable parking spaces a single file driveway. This may be a technically permissible counting but the spaces are not useable for the type of occupancy the buildings have (unrelated, varying schedules, etc) Consequently, parking has spilled out onto Spottswood, the street which fronts the development.

Over ten years ago, the city, in an attempt to fix flooding in the Black Bayou ditch, cut off ingress and egress into Normal Station west to east on two of the three through streets. The only remaining interior through street is Spottswood where Tiger Estates is built. Because of the overflow parking situation on both the north and south side of Spottswood between Normal Street and Shotwell Street, traffic is funneled into a de facto one way most of the day and well into the evening with cars pulling over where they can to let the other side pass. As inconvenient as this is, day and night, it is even more concerning to consider what problems this would cause in an emergency. More cars would make this exponentially worse, removing even the small spaces in between parked cars where one can pull over to let another pass.

With that history, here's the heart of my requests:

1. I would like to see Tiger Estates adjust their plan so that in the new expansion each bedroom has an easily Page 76 accessed and exited dedicated parking space off road. I would also like the city to correct the oversight on the original development so that the developers are required to provide off road, truly accessible parking for each bedroom. Right now they have 14 extra spots to park at the rear of the project that tenants may rent rather than parking fender to fender in the front or on the street for free. This is not a helpful accommodation. (Interior buildings that do not front the street have more adequate parking available). Also, it would be very helpful to enforce a one side of the street parking in front of the development.

- 2. It would be very helpful if, because the population density of the project is so much greater than the average density of the rest of the neighborhood, the owners would provide weekly trash maintenance for the large amounts of litter around Tiger Estates to which all neighbors can anecdotally attest.
- 3. Again, as a result of the increased density, there are increased security concerns. Could a SKYCOP type camera be installed on Spottswood?
- 4. Finally, could the occupancy be scaled to fit the neighborhood? Although there is a similar development within Normal Station, it is at the edge of the neighborhood boundaries, very close to Highland street where the increase traffic and population can be more easily absorbed.

The developers have expressed an interest in collaborating with the neighborhood association on these concerns. With the planning board's help, our differences can be mitigated to make all parties content.

Thank you for your time,

Victoria Saunders 3845 Kearney Memphis 38111

Sent from my iPad

#### **Tiger estates**

#### Patricia Locks <vlocks@comcast.net>

Thu 1/7/2021 3:55 PM

To: Penzes, Jeffrey <jeffrey.penzes@memphistn.gov>

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing against the development of Tiger Estates expansion on Spottswood ave. Memphis TN 38111.

My husband and I have lived in the neighborhood for 5 years, and we have a 2 year old and a 4 year old. We are University of Memphis alumni. I'm a School Psychologist, and my husband is an Art teacher in Frayser Community Schools.

We have seen the trouble that Tiger Estates has caused on Spottswood Ave due to increase in street parking (one side illegally), increase in trash around streets, and increase in crime (recent car break ins etc).

With the expansion of using the two single family homes that were bought that were single family homes, this increase in parking will likely quadruple the number of cars due to the expansion. My children have been almost hit several times due to the increase in the cars parked on the street and the expansion will make the narrow old street (Spottswood) more crowded!!! We fear that emergency vehicles could not fit through the street as well!

We hope that the developers will hear our requests for better parking, lighting, trash cleanup, security, and lighting needs as they try to turn these two single family home into

more apartments! We do not want this expansion to happen at all! But if it has to happen then we need to make sure that in the plan some vital items are addressed because our neighborhood safety depends on it!!!! We love our neighborhood and want to keep it safe and beautiful for all residents.

Thank you, Victoria Strahan 655 south graham st. 38111 901-848-1303

Sent from my iPhone



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

February 11, 2021

Tiger Estates LLC 2760 Colony Park Dr. STE 210 Memphis, TN 38118

Sent via electronic mail to: jking@meridianpac.com

Spottswood Village Planned Development

Case Number: PD 20-20

LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, February 11, 2021, the Memphis and Shelby County Land Use Control Board recommended *approval* of your planned development amendment application for the Spottswood Village Planned Development, subject to the attached conditions.

This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free contact me at (901) 636-6619 or via email at jeffrey.penzes@memphistn.gov.

Respectfully,

Jeffrey Penzes Principal Planner

## Letter to Applicant PD 20-20

Land Use and Development Services
Division of Planning and Development

Cc: Tim Dagastino, W.H. Porter Consultants PLLC File

## Letter to Applicant PD 20-20

#### **Outline Plan Conditions – Revisions**

Proposed language is indicated in **bold**, **underline**; deletions are indicated in **bold strikethrough** 

#### I. USES PERMITTED

Single Family detached or attached, or townhouse dwelling units.

#### II. Bulk Regulations

- A. Maximum density 15 dua
- B. Maximum height 30 foot to the top of the roof ridgeline
- C. Minimum Building setback from Spottswood Avenue 35 feet
- D. Minimum Building setback from the east property line will be 15 feet and from the south property line 20 feet
- E. Minimum setback from the west property line 15 feet
- F. No structures are permitted over sewer pipes or easements
- G. Building Elevations shall be submitted with the Final Plat. Elevations for Lots 1-4 <a href="mailto:and-19-20">and 19-20</a> shall include building materials and elements that are consistent with the surrounding area.

#### III. Access Parking and Circulation

- A. The number of curb cuts to be permitted to Spottswood Avenue will be determined at the time of the Site Plan Review.
- B. Parking spaces shall be provided in accordance with the requirements of the R-ML zoning district.
- C. Adequate queuing spaces for 2 cars shall be provided between the Spottswood ROW and any proposed gate/guardhouse/card reader.
- D. Access to the Kearney Avenue ROW via private drive is prohibited.
- E. All private drives to be constructed to meet the Subdivision Regulations and provide a minimum pavement width of 22 feet, exclusive of curb, gutter, and sidewalk, except for one-way drives that will have a pavement width of 18 feet.

- F. The developer shall establish a no parking zone along the south side of Spottswood Avenue abutting the entire Spottswood Village Planned Development property, subject to review and approval of the City Engineer.
- G. All of the community (common area) parking spaces shall be reserved for guest/visitor parking.

#### IV. Landscaping and Other

- A. A landscape plan to be approved by the Office of Planning and Development will be submitted at the time of the site plan review.
- B. Lighting shall be directed so as not to glare onto other residential property.
- C. Existing trees which ca be retained will be identified on the final plan.
- D. A sight-proof wooden fence shall be required along the east property line.
- E. The required landscaping and planting screens shall be illustrated on the outline and final plans. All landscaping and planting screens shall be provided exclusive of all easements and shall not interfere with any easements including overhead wires.
- F. Equivalent landscaping may be substituted for the required above, subject to the approval of the Office of Planning and Development.
- G. Refuse containers shall be completely screened from view from adjacent property and from all public roads.

## H. Lots 1, 2, 3, 4, 19, and 20 shall each maintain a minimum of two single-family residential style refuse containers (trash cans).

#### V. Signs

- A. One ground mounted sign, identifying the development with a maximum area of twelve (12) square feet and a maximum height of six feet permitted. The sign may have illumination from ground mounted lights.
- B. The minimum sign setback shall be fifteen (15) feet.

#### VI. Drainage

- A. All drainage plan shall be submitted to City Engineer(s) for review.
- B. An overall drainage plan for the entire site shall be submitted to the City Engineer prior to approval of the outline plan.

- C. Drainage Improvement to be provided under contract in accordance with the Subdivision Regulations and the City of Memphis Drainage Design Manual.
- D. The drainage plans to be submitted to the City Engineer must include a written determination from the Tennessee Department of Health and environment regarding their jurisdiction of the watercourses on this site. If an Aquatic Resources Alteration Permit (ARAP) is required by the State under the Water Quality Control Act of 1977 as amended (TCA 69-3-101 et seq), a copy of the permit shall accompany the drainage plans submitted, and the plans shall comply with the requirements and conditions of the ARAP.
- E. Design of the storm water conveyance and management facilities for this project shall be in accordance with the "City of Memphis Drainage Design Manual." The manual requires on-site detention of stormwater run-off, generated from the project, which exceed the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable area have been provided for stormwater detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping and sign requirements if equivalents are presented; provided, however, any adjacent property owner who is dissatisfied with the modification of the Land Use Control Board hereunder may within ten days of such action, file a written appeal to the Director of Office of Planning and Development to have such action reviewed by the City Council.

#### VIII. Site Plan Review

- A. A <u>final</u> site plan shall be submitted for the review <u>and approval</u>, <u>comment, and</u> recommendation of <u>by</u> the Office of Planning and Development and appropriate City and County Agencies, <u>subject to the approval of the Land Use</u> Control Board prior to the final plan approval.
- B. The site plan shall be submitted at least 20 days prior to a Land Use Control Board meeting.
- IX. Any final plan shall include, **but not be limited to,** the following:
  - A. The outline plan conditions.
  - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

### Letter to Applicant PD 20-20

- C. The exact location and dimensions including height, of all buildings or buildable areas, parking areas, drives, required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easement.
- F. A statement conveying all common facilities and areas to a property owners' association, or other entity for ownership maintenance purpose.
- G. The 100 year flood elevation, if applicable.
- H. The following note shall be placed on the final plat of any development requiring on-site stormwater detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- I. All private street, drives and all common space shall be owned and maintained by a Property Owner's Association. A statement to that effect shall appear on the Final Plat and the instrument number creating such an entity shall be shown on the Final Plat.



## Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

#### APPLICATION FOR PLANNED DEVELOPMENT APPROVAL (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

Date:	Case #	90-346			
	PLEASE TYPE OR	PRINT			
Name of Development: Spottswood	/illage PD				
Property Owner of Record:Tiger Estate	tes LLC		Phone #:	760-716-5	158
Mailing Address: 910 W San Marcos Bl		_City/State: _	San Marcos/C	AZip_	92078
Property Owner E-Mail Address: jking	@meridianpac.com				
Applicant: Tiger Estates LLC			Phone #	760-716-51	58
Mailing Address: 2760 Colony Park Dr,	STE 103	_City/State: _	Memphis/TN	Zip _	38118
Applicant E- Mail Address: jking@me					
Representative:Tim Dagastino			Phone #:	901-363-94	53
Mailing Address: 6055 Primacy Parkwa	ay, Suite 115	_City/State: _	Memphis/TN	Zip	38119
Representative E-Mail Address:tdags	stino@whporter.com				
Engineer/Surveyor: Henry Porter (WH F			Phone #_	901-363-945	53
Mailing Address: 6055 Primacy Parkwa	y, STE 115	_City/State: _	Memphis/TN	Zip_	38119
Engineer/Surveyor E-Mail Address:	hporter@whporter.com				
Street Address Location: 3897 & 3901	Spottswood Avenue				
Distance to nearest intersecting street: _	260 west of the intersection	on of Shotwell	Street & Spotts	wood Avenue	<u> </u>
Area in Acres: Existing Zoning: Existing Use of Property Requested Use of Property	Parcel 1  0.46  R-6  Single Family	Parcel 2 0.46 R-6 Single Fam		Parcel 3	
Medical Overlay District: Per Section Overlay District.  Unincorporated Areas: For residentia					
following information:			- •••	-	
Number of Residential Units: _		Bedroom	ms:		
Expected Appraised Value per U	Unit:	or Total	Project:		

Amendment(s): Is the applicant:	applying for an amendment to an	existing Planned Development?
	Yes_X	_No

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

#### 4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
  - This development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

Once the development is approved, construction documents shall be submitted for approval to the City of Memphis Engineering Department.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

  The parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses.
- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

The requested amendment is an addition to a previously approved PD consisting of attached residential units for University of Memphis students.

• Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

There is a homeowners association currently maintaining Phase 1 & 2 of this development which will also maintain Phase 3 if this amendment is approved.

• Lots of records are created with the recording of a planned development final plan.

Once the final plan is approved by the Engineering Department the lots shall be recorded.

#### REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 11/24/2020 with Jeffrey Penzes

NEIGHBORHOOD MEETING — At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)

(If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which pray result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record

Date

Applicant

Date

## GUIDE FOR SUBMITTING PLANNED DEVELOPMENT APPLICATION (OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)

- A THE APPLICATION Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
  - This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
  - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. <u>LETTER OF INTENT</u> The letter shall include the following:
  - a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
  - A list of any professional consultants associated with the proposed development.
  - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

3

- development is to be designed, arranged and operated in order to limit impact to neighboring properties.
- d) A description of the applicant's planning objectives, the approaches to be followed in achieving those objectives.

#### C. OUTLINE PLAN

- 1) Two (2) copies of an Outline Plan shall be submitted and drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres. If property is encumbered by easements, show type and location on plot plan.
- 2) Two (2) copies of legal description shall be attached to plot plan if not shown or described on the plan
- D. <u>SITE/CONCEPT PLAN</u> Two (2) copies of the site/concept plan shall be submitted and depict the following: (a) property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing adjacent to the subject property; (b) the proposed height, dimensions and arrangements of buildings on the property; (c) the type and location of proposed landscaping; (d) the location of points of ingress/egress (driveways), parking lots and loading areas on the site; and (e) any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds. Site/Concept plans shall be drawn at a scale of not less 1"=100' for developments of less than 150 acres, 1"=200' for developments between 150 and 1,000 acres, and 1"=300' feet for developments in excess of 1,000 acres.
- E. <u>ELEVATIONS</u> Two (2) copies of building elevations *may* be required upon request by the Office of Planning and Development. Factors that will be taken into consideration by the Office of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements and proximity of the requested building(s) to the public right-of-way.

#### F. VICINITY MAP

Two (2) copies showing the subject property (boldly outlined) and all parcels within a 500'radius. If the 500'radius includes less than 25 property owners, the radius shall be extended at 100' intervals to reach a minimum of 25 property owners provided, however, that the maximum total radius is 1,500'. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

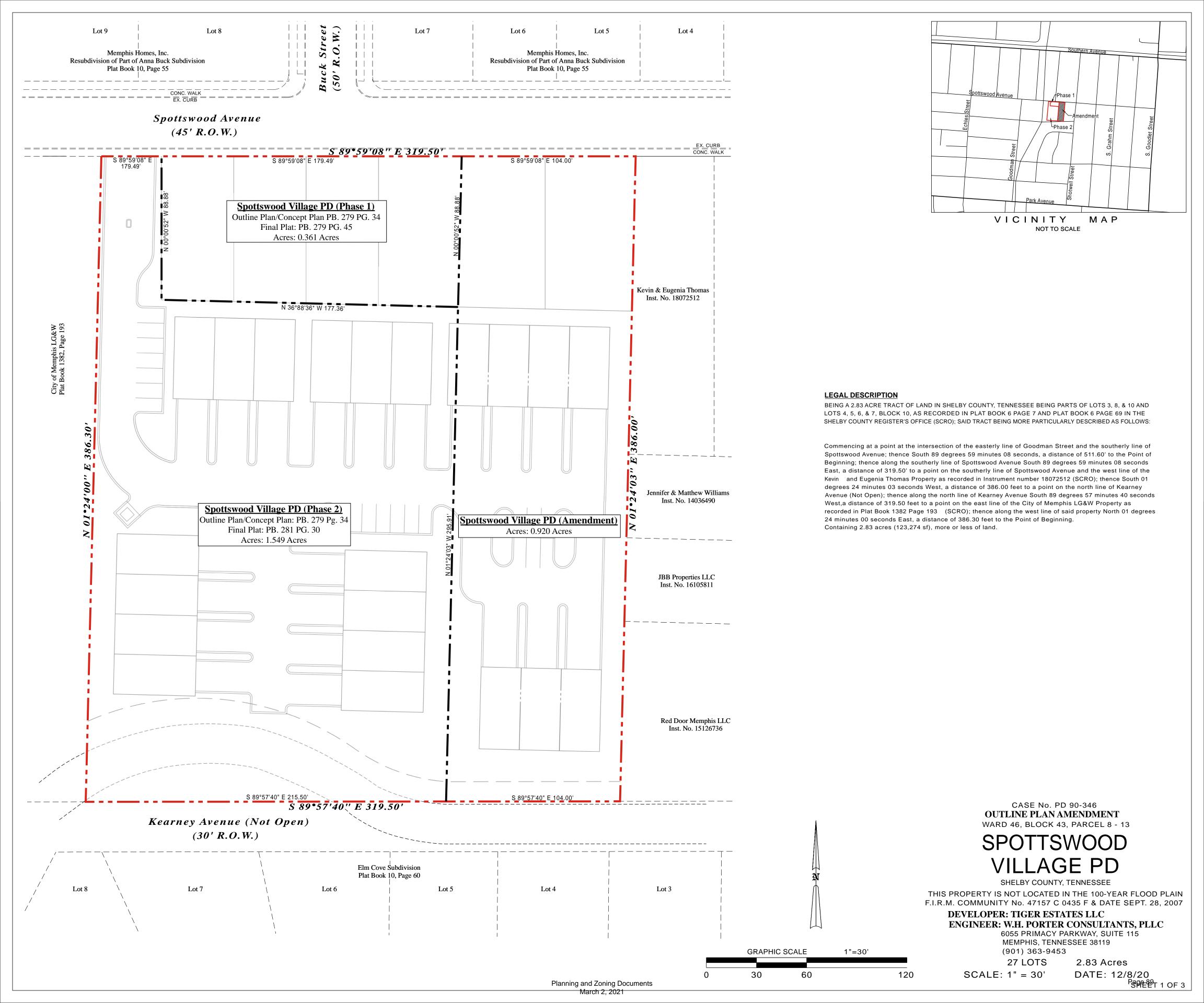
#### G. LIST OF NAMES AND ADDRESSES

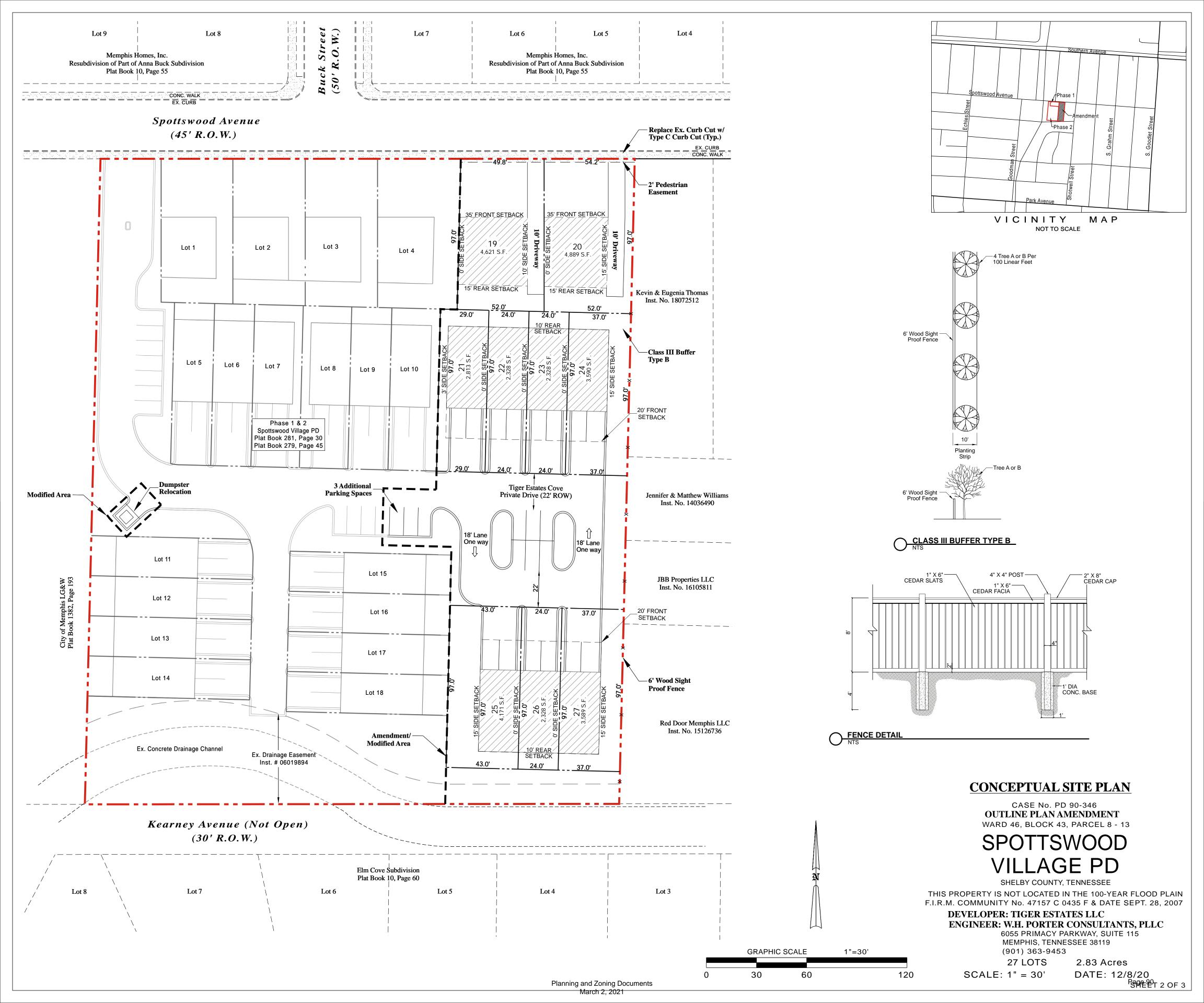
- 1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x 2<sup>5/8</sup>" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.
- 2) Two (2) self-adhesive mailing labels ( $1"x 2^{5/8"}$ ) each for the owner of record, applicant, representative and/or engineer/surveyor.

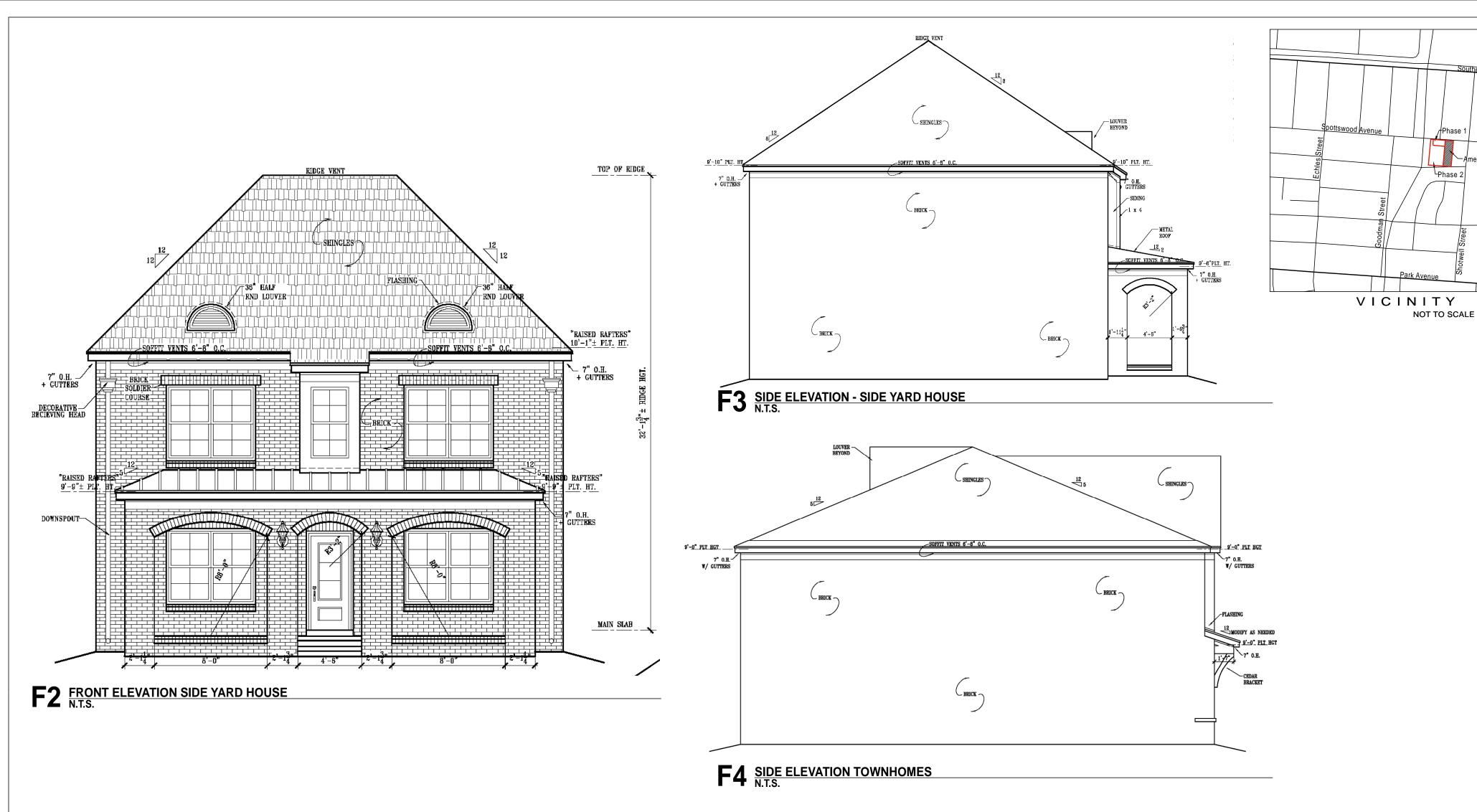
#### H. FILING FEES (All Fees Are Subject To Change without Prior Notice)

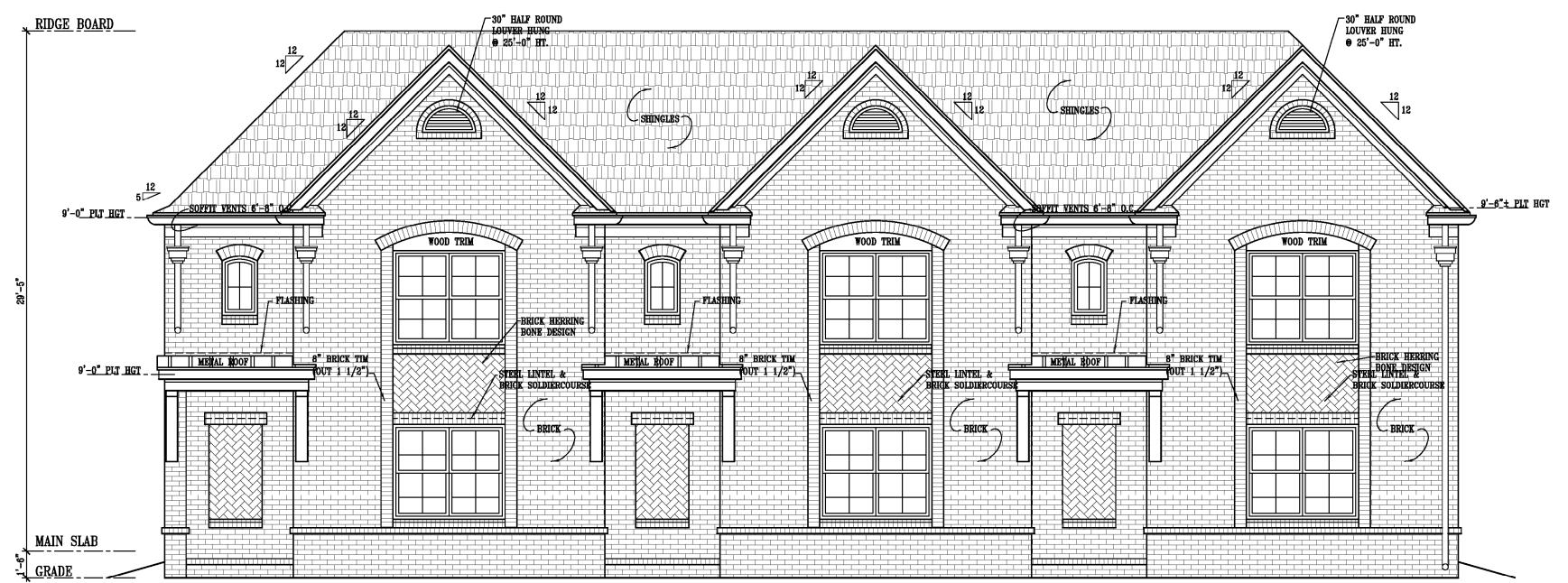
1) Planned Development: 5.0 Acres or less=\$1,500. Each additional acre or fraction thereof =\$100, Maximum =\$10,000. Make check payable to "M/SC Office of Planning and Development"

## \*ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF









F1 FRONT ELEVATION TOWNHOMES N.T.S.

CASE No. PD 90-346
OUTLINE PLAN AMENDMENT
WARD 46, BLOCK 43, PARCEL 8 - 13

# SPOTTSWOOD VILLAGE PD

SHELBY COUNTY, TENNESSEE

ROPERTY IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN COMMUNITY No. 47157 C 0435 F & DATE SEPT. 28, 2007

#### DEVELOPER: TIGER ESTATES LLC ENGINEER: W.H. PORTER CONSULTANTS, PLLC

6055 PRIMACY PARKWAY, SUITE 115 MEMPHIS, TENNESSEE 38119 (901) 363-9453

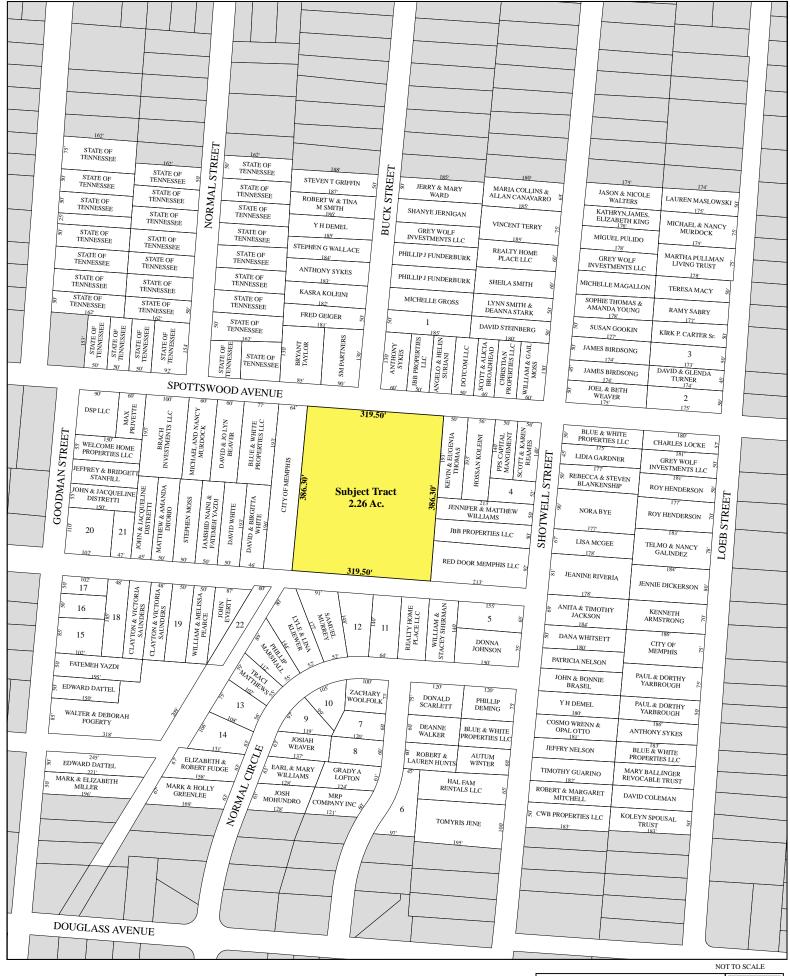
27 LOTS

2.83 Acres

MAP

SCALE: 1" = 30' DA

DATE: 12/8/20
Page 91 3 OF 3



#### Lot # Owners Name

- 1 Jerry & Dorothy Sykes and Anthony Sykes
- 2 Caralee & Brielle Barrett and Rex Barrett
- 3 Russell Perkins & Kenneth Stewart & Mary Stewart
- 4 CGIENT LLC Series 683 Shotwell
- 5 Michael and Deborah Alexander
- 6 Mark Lang
- 7 William Ferrari & Kris Ferrari
- 8 Jay Crawford and Bobbye Crawford Joint Revocable Trust
- 9 Douglas and Irma Ault
- 10 Carrie & Douglas Harris and Gaye Tidwell
- 11 Peter and Jennifer Radmer
- 12 Memphis Investment Property LLC
- Everett and Jessica Wade
- Holly Lau and Richard Harper
- 15 Margery Hobson Revocable Living Trust
- 16 Margery Hobson Revocable Living Trust
- 17 James and Bryon Koelez
- Patsy Courtright & Patricia Walters & Victoria Saunders
- Jae & Rachel Song and Saeram Oh
- 20 Patsy Courtright and Patricia Walters
- John and Jacqueline Distretti
- 22 Shalby County Tax Sale EXH #7823

Bryant Taylor	SM Partners	Fred Geiger
3872 Spottswood Ave.	1288 Dovecrest	647 Buck Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Kasra Koleini	Anthony Sykes	Steven G Wallace
641 Buck Street	648 Buck Street	1227 Graham Street N
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38122
Y H Demel	Robert W And Tina M Smith	Steven T Griffin
5358 Pavillon Grn	1023 Center Ridge Road	617 Buck Street
Memphis, TN 38119	Collierville, TN 38017	Memphis, TN 38111
Jerry & Mary Ward	Shanye Jernigan	Grey Wolf Investments
618 Buck Street	297 Schilling Blvd.	6075 Poplar
Memphis, TN 38111	Collierville, TN 38017	Memphis, TN 38119
Phillip Funderburk	Michelle Gross	Jerry, Dorothy & Anthony Skyes
9652 Kingsridge	642 Buck Street	6472 Star Valley
Arlington, TN 38002	Memphis, TN 38111	Memphis, TN 38134
JBB Properties LLC	Angelo & Helen Suriani	DOTCOM LLC
2789 Royall Aberdeen Cove	3902 Spottswood Ave.	37074 Macon Road
Collierville, TN 38017	Memphis, TN 38111	Memphis, TN 38122
Scott & Alicia Broadhead	Christiansen Properties LLC	William & Gail Moss
3912 Spottswood Ave.	P. O. Box 1186	3922 Spottswood Ave.
Memphis, TN 38111	Olive Branch, MS 38654	Memphis, TN 38111
David Steinberg	Lynn Smith & Deanna Stark	Shelia Smith
173 Lynnfield Street	641 Shotwell Street	637 Shotwell Street
Memphis, TN 38120	Memphis, TN 38111	Memphis, TN 38111
Realty Home Place LLC	Terry Vincent	Maria Collins & Allan Canavarro
668 Ballard Road	623 Shotwell Street	615 Shotwell Street
Collierville, TN 38017	Memphis, TN 38111	Memphis, TN 38111
Jason & Nicole Walters	James Birdsong	Susan Gookin
2975 Wetherby	8261 Park Ridge Drive	646 Shotwell Street
Germantown, TN 38139	Germantown, TN 38138	Memphis, TN 38111
	Planeta and Zoria Domini	Page 04

Sophie Thomas & Amanda Young	Michelle Magallon	Miguel Pulido
640 Shotwell Street	636 Shotwell Street	9513 Spring Hollow Lane
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38139
Katherine, James & Elizabeth King	Caralee, Brielle, Rex & Bobbie Barrett	David & Glenda Turner
5470 Walnut Gove Road	659 Loeb Street	660 Graham Street
Memphis, TN 38120	Memphis, TN 38111	Memphis, TN 38111
Russell Perkins, Kenneth Stewart Mary Perkins Stewart 4823 Wind Song Park Drive Collierville, TN 38017	Kirk P. Carter Sr. 5446 Magnolia Grv Memphis, TN 38120	Ramy Sabry 6919 Montbury Place Rancho Cucamonga, CA 91739
Teresa Macy	Martha Pulliam Living Trust	Michael & Nancy Murdock
2044 Siminole Court	8426 Wood Manor Cove	432 River Oaks Road
Spartanburg SC 29301	Cordova, TN 38016	Memphis, TN 38120
Lauren Maslowski	Charles Locke	Roy Henderson
5450 Milton Ridge Road	80 Coach Trail	2364 Dogwood Trail Drive
Arlington, TN 38002	Eads, TN 38028	Germantown, TN 38139
Telmo & Nancy Galindez	Jennie Dickerson	Kenneth Armstrong
11429 Sycamore Farms Road	705 Loeb Street	709 Loeb Street
Collierville, TN 38017	Memphis, TN 38111	Memphis, TN 38111
Paul & Dorothy Yarbrough	Blue & White Properties LLC	Mary Ballinger Rev. Trust
725 Loeb Street	7114 Eastern Avenue	18091 Via Bellamare Lane
Memphis, TN 38111	Germantown, TN 38138	Fort Myers FL 33913
David Coleman Michael Cubbins 225 Rembert Street Memphis, TN 38104	Koleyni Spousal Trust 39233 Galloway Drive S Memphis, TN 38111	CWB Properties 8744 Dumfries Cove Memphis, TN 38139
Robert & Margaret Mitchell	Timothy Guarino	Jeffrey Nelson
5285 Forest Hill Irene Road	746 Shotwell Street	305 Garland N
Memphis, TN 38125	Memphis, TN 38111	Memphis, TN 38104
Cosmo Wrenn Opal Otto 736 Shotwell Street Memphis, TN 38111	John & Bonnie Brasel 3250 Wortham Road Millington, TN 38053	Patricia Nelson 5726 Quince Road Memphis, TN 38119

Dana Whitsett	Anita & Timothy Sr. Jackson	Jeanine Rivera
716 Shotwell Street	710 Shotwell Street	702 Shotwell Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Lisa McGee	Nora Bye	Rebecca & Steven Blankenship
694 Shotwell Street	686 Shotwell Street	1192 Katie Cove
Memphis, TN 38111	Memphis, TN 38111	Hernando, MS 38632
Lidia Gardner	Blue and White Properties, LLC	Scott & Karen Reames
3022 Carrick Drive	9704 Frank Road	708 Stafford
Memphis, TN 38138	Germantown, TN 38139	Memphis, TN 38111
Joel & Beth Weaver	CGient Series LLC 683 Shotwell	Jennifer and Matthew Elia Williams
627 Watson Street	6706 Vinings Creek Cove	720 Creekside Drive
Memphis, TN 38111	Memphis, TN 38119	Memphis, TN 38117
Red Door Memphis LLC	Michael G & Deborah S Alexander	Donna Johnson
7500 Capital Drive	2587 Holly Springs Drive	717 Shotwell
Germantown, TN 38138	Germantown, TN 38138	Memphis, TN 38111
Phillip Deming	Blue and White Properties LLC	Autum Winter
729 Shotwell	7114 Eastern Avenue	743 Shotwell
Memphis, TN 38111	Germantown, TN 38138	Memphis, TN 38111
Hal Fam Rentals Inc	Tomyris Jene	Mark Long
8274 Blair Lane	757 Shotwell	2316 S. Germantown Road
Germantown, TN 38139	Memphis, TN 38111	Germantown, TN 38138
Robert & Lauren Hunts	Deanne Walker	Donald Scarlett
1851 Almadele Farms	738 Buck Street	732 Buck Street
Collierville, TN 38017	Memphis, TN 38111	Memphis, TN 38111
Zachary Woolfolk 731 Buck Street Memphis, TN 38111	William & Chris Ferrari 732 Buck Street Memphis, TN 38111	Jay F and Bobbye E Crawford Irrevocable Trust 7401 Fox Hill Road Little Rock AR 72216
Grady A Lofton III	MRP Company Inc	Josh Mohundro
751 Buck Street	4198 Walnut Grove Road	758 Normal Circle
Memphis, TN 38111	Memphis, TN 38117	Memphis, TN 38111
	D	Page 06

Earl C & Mary E Williams	Josiah Weaver	Douglas & Irma Ault
2908 Bannockburn Lane	744 Normal Circle	776 Shotwell Street
Memphis, TN 38128	Memphis, TN 38111	Memphis, TN 38111
Carrie & Douglas Harris Gayle Tidwell 730 Normal Circle Memphis, TN 38111	William & Stacy Sherman 936 Yorktown Road Collierville, TN 38017	Peter & Jennifer Radmer 713 Normal Circle Memphis, TN 38111
Memphis, Investment Properties LLC	Samuel Murrey	Lylie & Linda Kliewer
4701 Summer Ave	721 Normal Circle	723 Normal Circle
Memphis, TN 38122	Memphis, TN 38111	Memphis, TN 38111
Phillip Marshall	Traci Matthews	Everette & Jessica Wade
9049 Sandy Drive	731 Normal Circle	735 Normal Circle
Olive Branch, MS 38654	Memphis, TN 38111	Memphis, TN 38111
Holly Lau & Richard Harper	Elizabeth & Robert Fudge	Mark & Holly Greenlee
743 Normal Circle	751 Normal Circle	757 Normal Circle
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
J Mark & Elizabeth Miller	Edward Dattel	Walter & Deborah Fogerty
754 Goodman Street	1122 Longreen Road	740 Goodman Street
Memphis, TN 38111	Memphis, TN 38120	Memphis, TN 38111
Fatemeh Yazdi 728 Goodman Street Memphis, TN 38111	Margery M Hobson Revocable Living Trust 1954 Corbin Road Germantown, TN 38139	James & Bryon Koelez 708 Goodman Street Memphis, TN 38111
Patsy Cortright & Patricia Walters	Clayton & Victoria Saunders	Clayton & Victoria Saunders
3828 Kearney Avenue	3839 Kearney Avenue	3845 Kearney Avenue
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Jae & Rachel Song & Saeram Oh 181 Perkins Ext. Memphis, TN 38117	William & Melissa Pearce 1621 Highway 48 Dickson, TN 37055	John S Everett III P. O. Box 1259850 Sioux Falls, SD 57186
David & Birgitta White	David White	Jamshid Naini & Fatemeh Yazdi
3862 Kearney Avenue	3862 Kearney Avenue	3854 Kearney Avenue
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111

Stephen Moss	Matthew & Amanda Diiorio	John & Jacqueline Distretti
5500 Shady Grove Road	3842 Kearney Avenue	207 Green Glade
Memphis, TN 38120	Memphis, TN 38111	Memphis, TN 38120
Jeffrey & Bridgett Stanfill	Welcome Home Properties LLC	DSP LLC
850 McClure Road	2425 Hickory Court West	1248 Wesleyan Place
Clarksville, TN 37040	Janesville, WI 53545	Memphis, TN 38119
Max Privette P. O. Box 770177 Memphis, TN 38177	Brach Investments LLC P. O. Box 1300 Memphis, TN 38127	David & Jo Lyn Beaver 2576 Germanwood Lane Germantown, TN 38138
Kevin & Eugenia Thomas	Hossan Koleini	PPS Capital Management LLC
P. O. Box 8253	P. O. Box 11637	27201 Tree Rose Ave
Newport Beach, CA 92658	Memphis, TN 38111	Murrieta, CA 92562
State of Tennessee 371 Administration Building Memphis, TN 38152	Shelby County Tax Sale 99.1 EXH #7823 PO Box 2751 Memphis TN 38101	City of Memphis 220 South Main Street Memphis, TN 38103
Occupant 3898 Spottswood Street Memphis, TN 38111	Occupant(s) 3918 Spottswood Street Memphis, TN 38111	Occupant(s) 3908 Spottswood Street Memphis, TN 38111
Occupant	Occupant	Occupant
621 Buck Street	621 Buck Street	621 Buck Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant	Occupant	Occupant
621 Buck Street	621 Buck Street	621 Buck Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant	Occupant	Occupant
621 Buck Street	621 Buck Street	621 Buck Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant	Occupant	Occupant
621 Buck Street	621 Buck Street	621 Buck Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111

Occupant Occupant Occupant 621 Buck Street 625 Buck Street 631 Buck Street Memphis, TN 38111 Memphis, TN 38111 Memphis, TN 38111 Occupant Occupant Occupant 635 Buck Street 622 Buck Street 628 Buck Street Memphis, TN 38111 Memphis, TN 38111 Memphis, TN 38111 Occupant Occupant Occupant 638 Buck Street 744 Buck Street 632 Buck Street Memphis, TN 38111 Memphis, TN 38111 Memphis, TN 38111 Occupant Occupant Occupant 758 Buck Street 743 Buck Street 757 Buck Street Memphis, TN 38111 Memphis, TN 38111 Memphis, TN 38111 Occupant Occupant Occupant 629 Shotwell 647 Shotwell 621 Buck Street Memphis, TN 38111 Memphis, TN 38111 Memphis, TN 38111 Occupant Occupant Occupant 621 Buck Street 621 Buck Street 621 Buck Street Memphis, TN 38111 Memphis, TN 38111 Memphis, TN 38111

W.H. Porter Consultants 6055 Primacy Parkway, Suite 115 Memphis, Tennessee 38119 W.H. Porter Consultants 6055 Primacy Parkway, Suite 115 Memphis, Tennessee 38119

Tiger Estates LLC 2760 Colony Park Dr Memphis, Tennessee 38118 Tiger Estates LLC 2760 Colony Park Dr Memphis, Tennessee 38118

Occupant(s)	Occupant(s)	Occupant(s)
615 Loeb Street	621 Loeb Street	631 Loeb Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
635 Loeb Street	641 Loeb Street	643 Loeb Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
649 Loeb Street	655 Loeb Street	671 Loeb Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
675 Loeb Street	679 Loeb Street	685 Loeb Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
693 Loeb Street	729 Loeb Street	735 Loeb Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
735 Loeb Street	739 Loeb Street	745 Loeb Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
749 Loeb Street	755 Loeb Street	705 Normal Circle
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
709 Normal Circle	717 Normal Circle	727 Normal Circle
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
727 Normal Circle	738 Normal Circle	752 Normal Circle
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
751 Normal Circle	738 Normal Circle	743 Buck Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111

Occupant(s)	Occupant(s)	Occupant(s)
751 Buck Street	744 Buck Street	758 Buck Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
750 Goodman Street	734 Goodman Street	720 Goodman Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
712 Goodman Street	690 Goodman Street	686 Goodman Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
680 Goodman Street	3834 Kearney Street	3838 Kearney Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
3848 Kearney Street	3858 Kearney Street	3837 Kearney Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
3851 Kearney Street	3851 Kearney Street	3855 Kearney Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
3825 Spottswood Street	3833 Spottswood Street	3841 Spottswood Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
3849 Spottswood Street	3855 Spottswood Street	3863 Spottswood Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s)	Occupant(s)	Occupant(s)
3907 Spottswood Street	3911 Spottswood Street	3917 Spottswood Street
Memphis, TN 38111	Memphis, TN 38111	Memphis, TN 38111
Occupant(s) 3923 Spottswood Street Memphis, TN 38111	Occupant(s) 3918 Spottswood Street Memphis, TN 38111	Occupant(s) 3908 Spottswood Street Memphis, TN 38111

#### W. H. PORTER CONSULTANTS, PLLC

6055 Primacy Parkway, Suite 115 Memphis, Tennessee 38119 (901) 363-9453 FAX: (901) 363-2722 Engineers, Planners, Surveyors, Consultants

December 7, 2020

Mr. Josh Whitehead Planning Director, Land Use Controls Office of Planning and Development 125 N. Main Street, Room 468 Memphis, TN 38103

RE: Application for an Amendment to

**Spottswood Village Planned Development** 

Case No. PD 90-346

Mr. Whitehead,

On behalf of Tiger Estates LLC, we are pleased to submit an application for an Amendment to the Spottswood Village Planned Development (PD 90-436). The subject property is located near the intersection of Spottswood Avenue and Buck Street in the University Planning District. The vision behind Spottswood Village was to give University of Memphis students an opportunity to live in a newly constructed residence close to campus without having to live in dormitories and the results have been exceptional. Even during the unprecedented times caused by COVID-19, these residential units have maintained full occupancy.

The applicant is requesting an Amendment to Spottswood Village PD in order to add an additional 0.92 acres to the previously approved Planned Development. The Conceptual Site Plan shows that the newly added area will mimic Phase 1 and 2. There will be two single-family homes that face Spottswood, like there were in Phase 1 of Spottswood Village, which will resemble the character of the surrounding neighborhood. The 22' private drive will be extended into the new area and will add approximately 7 single-family attached homes. There will be six additional parking places provided in the amended area and three additional parking spaces will also be added to Phase 2 of Spottswood Village. The refuse dumpster will also be relocated in Phase 2 in order to offer a better angle for trash pickup.

We appreciate your support with this request. Please contact me if you have any questions.

Sincerely,

Tim Dagastino

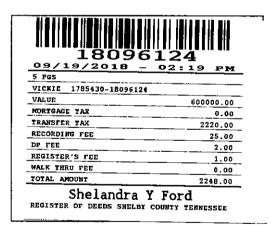
Project Manager/Planner



## Shelby County Tennessee Shelandra Y. Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



#### WARRANTY DEED

THIS INDENTURE, made and entered as of the 14th day of September, 2018, by and between **SHEPHERD CONSTRUCTION COMPANY**, **INC.**, **A TENNESSEE CORPORATION**, party of the first part, and **TIGER ESTATES LLC**, **A TENNESSEE LIMITED LIABILITY COMPANY**, party of the second part.

WITNESSETH: That for and in consideration of Ten (\$10.00) Dollars, cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Shelby, State of Tennessee:

SEE EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN FOR LEGAL DESCRIPTION OF REAL PROPERTY HEREIN CONVEYED.

Being the same property conveyed to the Grantor by Special Warranty Deed of record under Instrument No. 07040259 and Warranty Deed of record under Instrument No. 10126309, in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part, his heirs or successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that he is lawfully seized in fee of the aforedescribed real estate, that he has a good right to sell and convey the same, that the same is unencumbered except for 2018 City of Memphis and Shelby County realty taxes; Subdivision Restrictions, Building Lines, and Easements of record in Plat Book 8, Page 257; and all other applicable subdivision and easement recordings in the Register's Office of Shelby County, Tennessee; and that the title and quiet possession thereto he will warrant and forever defend against the lawful claims of all persons.

Whenever, the word "party" is used herein, it shall mean "parties" if there is more than one person referred to and whenever pronouns occur herein, they shall be construed according to their proper gender and number according to the context of this instrument.

IN WITNESS WHEREOF, party of the first part has caused this instrument to be executed by and through its officer, this the 13 day of September, 2018.

SHEPHERD CONSTRUCTION COMPANY, INC.

JAMES A. SHEPHERD, JR., PRESIDENT

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **JAMES A. SHEPHERD**, **JR.**, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the president (or other officer authorized to execute the instrument) of **SHEPHERD CONSTRUCTION COMPANY**, **INC.**, the within named bargainor, a corporation, and that he as such officer, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such officer.

WITNESS my hand and official seal at office this  $\frac{\sqrt{3}}{}$  day of September, 2018.

Notary Public

My commission expires:

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **JAMES A. SHEPHERD**, **JR.**, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the president (or other officer authorized to execute the instrument) of **SHEPHERD CONSTRUCTION COMPANY**, **INC.**, the within named bargainor, a corporation, and that he as such officer, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such officer.

WITNESS my hand and official seal at office this 13 day of September, 2018.

Notary Public

My commission expires:

Property address:

3881, 3875, 3885 & 3891 Spottswood

Memphis, TN 38111

New owner : TIGER ESTATES LLC

mailing address: 2760 Colony Park Dr., Suite 103

Memphis, TN 38118

Mail Tax Bills To: TIGER ESTATES LLC

2760 Colony Park Dr., Suite 103

Memphis, TN 38118

Tax Parcel ID No.:

046-043-00009 (3881 Spottswood) 046-043-00008 (3875 Spottswood) 046-043-00010 (3885 Spottswood) 046-043-00011 (3891 Spottswood)

I, or we, hereby swear or affirm that to the best of affiant's knowledge and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$600,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me this 14th day of September,

2018.

Notary Public

My commission expires:

Prepared by:

Title and Escrow Services of Memphis, Inc. 1669 Kirby Parkway, Suite 100 Memphis, TN 38120

Shelandra Y. Ford, Shelby County Register of Deeds: Instr. # 18096124

#### Exhibit "A"

Description of the Shepherd Construction Company, Inc. property recorded at Instrument No. 10126309 in Memphis, Shelby County, Tennessee:

Beginning at a found x-cut in the south line of Spottswood Avenue (45' R.O.W.), said point being located 317.00 feet west of the intersection of the south line of said Spottswood Avenue and the west line of Shotwell Street and being located in the west line of the John H. Rand and James F. Rand property recorded at Instrument No. EP-3536; thence south 01 degrees 24 minutes 03 seconds west with the west line of said property recorded at Instrument No. EP-3536, 386.10 feet to a set 1/2" rebar with plastic cap in the north line of Kearney Avenue (30' R.O.W.) (unimproved); thence south 89 degrees 57 minutes 40 seconds west with the north line of said Kearney Avenue, 215.50 feet to a set 1/2" rebar with plastic cap in the east line of the City of Memphis property recorded in Book 1382, Page 193; thence north 01 degrees 24 minutes 00 seconds east with the east line of said property recorded in Book 1382, Page 193, 386.30 feet to a set chisel mark in the south line of the aforesaid Spottswood Avenue; thence south 89 degrees 59 minutes 08 seconds east with the south line of said Spottswood Avenue, 215.50 feet to the Point of Beginning and containing 83,201 square feet or 1.910 acres of land. Said description per survey by Milestone Land Surveying, Inc., Regis T. Storch, Jr. (Tennessee Certificate No. 2138), dated July 25, 2018, Job No. 18140.



# Shelby County Tennessee

# Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



19082325

08/13/2019 - 12:33:45 PM

3 PGS	
IAN 1905083 - 19082325	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	. 0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by and Return to: Allison T. Gilbert, Attorney Harris Shelton Hanover Walsh, PLLC 6060 Primacy Pkwy., St 100 Memphis, TN 38119	910 W. San Marcos Blvd., Suite 210	Property Address: 3897 & 3901 Spottswood Memphis, TN 38111	Tiger Estates, LLC	Tax Parcel No: 04604300013 & 04604300012
--	---------------------------------------	--	--------------------	--

#### **QUIT CLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS, that HIGHMARK INVESTORS, LLC, a Tennessee limited liability company ("Grantor") for and in consideration of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, does hereby bargain, sell, remise, release, quit claim and convey unto TIGER ESTATES, LLC, a Tennessee limited liability company ("Grantee"), all of her right, title and interest in and to the following described real estate situated and being in Memphis, Shelby County, State of Tennessee to, wit:

#### SEE LEGAL DESCRIPTION SET OUT IN EXHIBIT "A" HERETO AND MADE A PART HERE OF

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the aforedescribed real estate; it has a good right to sell and convey the same; that the same is unencumbered, EXCEPT for the 2019 Shelby County taxes, liens, but not now due or payable. Subdivision restrictions, building lines and easements of record in Plat Book 6, Page 68, Plat Book 6, Page 69 and Plat Book 6, Page 71; Easements of record at Instrument No. 04099798 in the Register's Office of Shelby County, Tennessee; and subject to all rights of way and easements or public roads and utilities, subdivision and zoning regulations in effect in Shelby County, Tennessee and further subject to all applicable building restrictions and restrictive covenants of record; and that the title and quiet possession thereto it will warranty and forever defend against the lawful claims of all persons.

Being the same property conveyed to Grantor by Warranty Deed dated July 5, 2019 from John H. Rand to HIGHMARK INVESTORS, LLC, a Tennessee limited liability company of record at Instrument No. 19074888 in the Register's Office of Shelby County, Tennessee.

As used herein, pronouns shall be construed according to their gender and number according to the context thereof.

[SIGNATURE ON FOLLOWING PAGE]

#### SIGNATURE PAGE TO **OUIT CLAIM DEED**

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized representative on the 545 day of August 2019



**GRANTOR:** 

HIGHMARK/INVESTORS, LLC a Tennessee/limited liability company

BY: Jeffrey Title:

Before me, a Notary Public of the state and county aforesaid, personally appeared Jeffrey M. King, with whom I am personally acquainted and proved to me on the basis of satisfactory evidence to be a Member of HIGHMARK INVESTORS, LLC, a Tennessee limited liability company, the within named bargainor, and that he executed the foregoing instrument, as member of HIGHMARK INVESTORS, LLC, for the purposes therein contained as his free act and deed.

Witness my hand, at office, this 5th day of August 2019

My Commission Expires:

AFFIDAVIT OF VALUE

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is \$0.00.

Subscribed and sworn to before me this 12

nd Zoning Documents

March 2, 2021

My Commission Expires:

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# Exhibit A Property legal description Shelby County, Tennessee

#### Parcel 1

Part of Lots 3 and 8, Block 10, Jay Madison Subdivision, as shown on plat of record in Plat Book 6, Page 71, in the Register's Office of said County, to which reference is here made for a more particular description thereof, and being more particularly described as follows:

BEGINNING at a point in the south line of Spottswood Avenue, said point being a common corner of Lots 2 and 3; thence westwardly along said south line a distance of 52.0 feet to a point; thence southwardly along a line parallel to the line dividing Lots 2 and 3 a distance of 386.05 feet to a point in the north line of Kearney Avenue; thence eastwardly along said north line a distance of 52.0 feet to the southwest corner of Lot 9; thence northwardly along the line dividing Lots 3 and 8 from Lots 2 and 9 a distance of 386.0 feet to the point of beginning.

Being the same property conveyed to James F. Rand by Warranty Deed of record under Register's No. ET 1200; and a one-half interest from said James F. Rand to John H. Rand by Quit Claim Deed of record under Register's No. EW 8247, in the Register's Office of said County. The said James F. Rand died intestate on or about May 2, 2018, leaving as his heirs-at-law his children Michael Rand and Robin Ann Rand.

3901 Spottswood

#### Parcel 2

Part of Lot 10, Jay Madison Subdivision, as shown on plat of record in Plat Book 6, Page 69, in the Register's Office of said County, to which reference is here made for a more particular description thereof, and being more particularly described as follows:

BEGINNING at a stake in the south line of Spottswood Avenue 265 feet westwardly from the west line of Shotwell Street; thence westwardly with said south line of Spottswood Avenue 52 feet to a stake; thence southwardly parallel with Shotwell Street 386.1 feet to a stake in the north line of Kearney (formerly Miller) Avenue; thence eastwardly with said north line of Kearney Avenue 52 feet to a stake; thence northwardly 386.05 feet to the point of beginning.

Being all or part of the same property conveyed to Joe M. Rand, Jr. and wife, Celia H. Rand by Warranty Deed of record in Book 5872, Page 22, in the Register's Office of said County. The said parties were continuously married from the date of that Warranty Deed until the death of said Joe M. Rand, Jr., said death leaving Celia H. Rand as the surviving tenant by the entirety. The said Celia H. Rand died testate on or about January 6, 1992, her Last Will and Testament being filed under Cause No. B-19156, in the Probate Court Clerk's Office of said County. Said Will devised the subject property to her sons, Joe Miller Rand, John Hembree Rand and James Foster Rand. The Estate of Celia H. Rand was closed by the Probate Court of said County on or about January 11, 1995. And being the same property being further conveyed by the said Joe M. Rand to John H. Rand and James F. Rand by Quit Claim Deed of record under Register's No. EP 3536, in the Register's Office of said County. The said James F. Rand died intestate on or about May 2, 2018, leaving as his heirs-at-law his children Michael Rand and Robin Ann Rand.

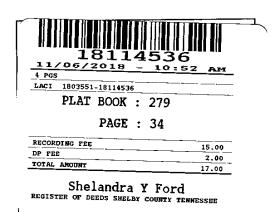
3897 Spottswood



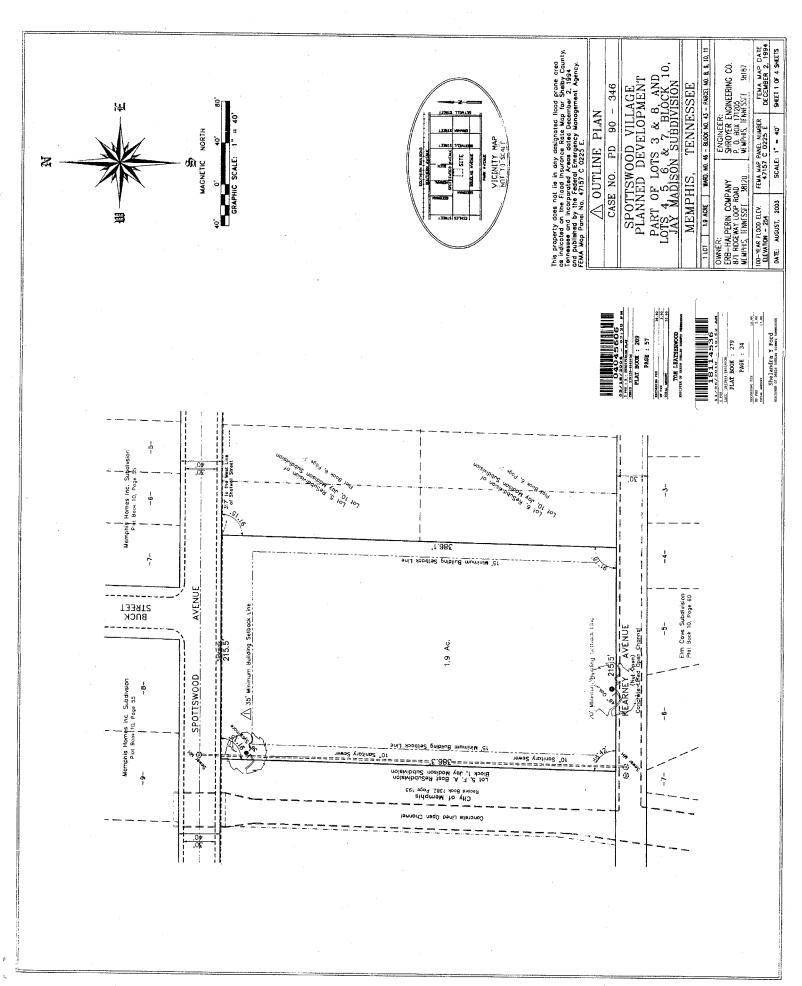
# Shelby County Tennessee Shelandra Y. Ford

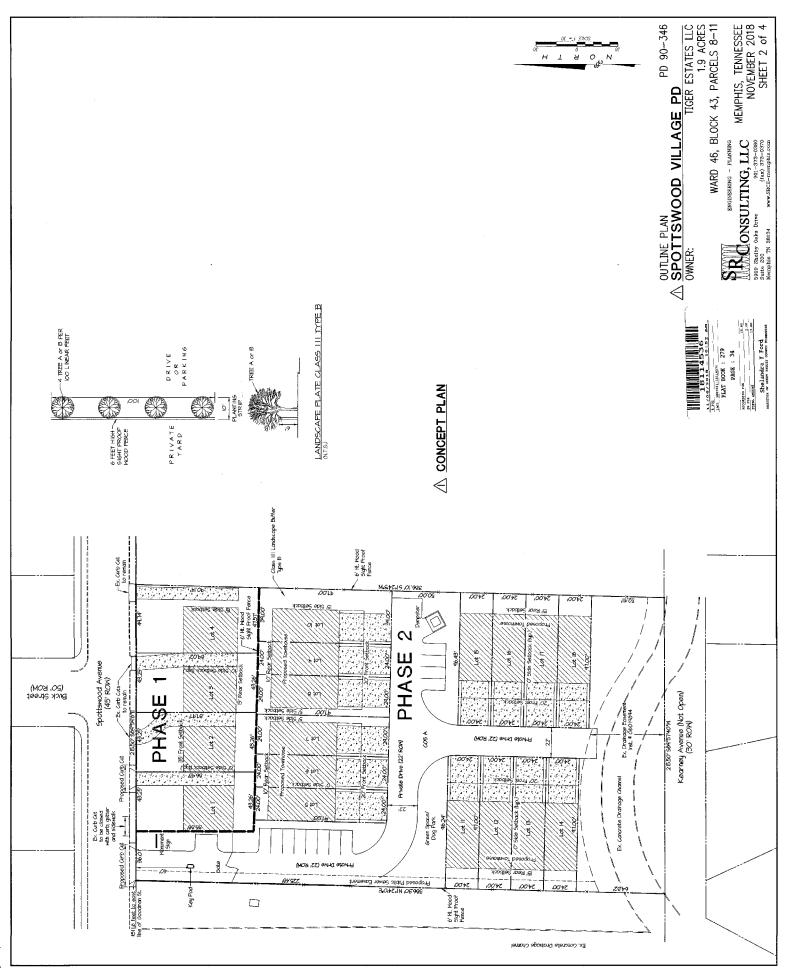
Shelby County Register

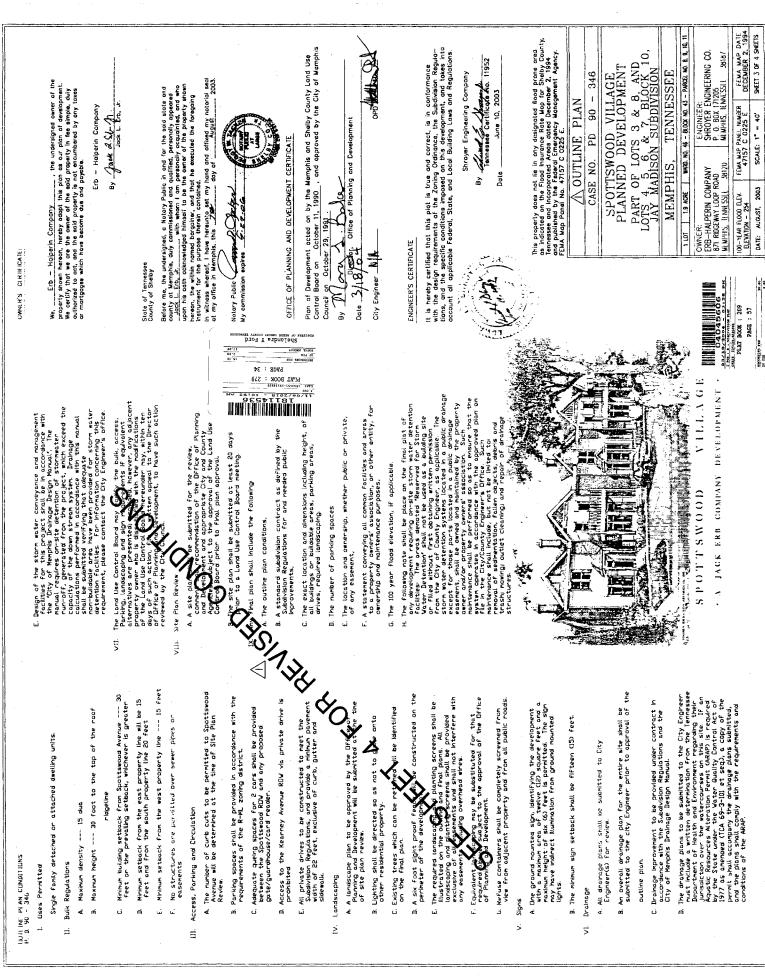
As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



1075 Mullins Station, Suite W165 ~ Memphis, Tennessee 38134 (901) 222-8100 Website: http://register.shelby.tn.us Email: register@shelbycountytn.gov







Robert M. Sweeney remessae Cartificate No.  $\triangleleft$  $\leq$ The atte plan shall be satisfiated at least 20 days prior to a Land Use Control Board meeting. A statement conveying all common facilities and areas to a properly amountain, or other entity, for overarchip and matriemance of the programmer as a part RET in the undersigned mortagons of the programmer as smallest by Table Carles to the owner(s) of the proporting Any final plan shall include the fallowing. Bank of Banlett Notory's Certificate State of Termesse County of Sheltsy VIII. Site Plan Review Notory Public <u>.</u> Himman setticak from the east property the will be 15 feet and from the south property the 20 feet Equivalent landscaping may be substituted for that required above subject to the approval of the Office of Planting and Developmen Access to the Keamey Avenue ROM via private drive is prohibite A sight-proof mooden tence shall only be required along the east proporty line. One ground mounted stay, Wettiffing the development with a mooting one of twelve (12) square feet and a moutinum height of six (6) is be mitted. The sign may have indirect libralination from ground is permitted. On Patrucy 13, 2014, the Hemphs and Shelby County Land Dec Control Board approved revisions to the Adopted Conditions of P.D. 40-346 The ratioer of carb cuts to be permitted to Spottsmood Averue be determined at the time of Site Plan Review. Lighting shall be directed so as not to glare onto other reside property. Parking spaces shall be provided in accordance with the requirements of the R-H. zaning detrict. No structures are permitted over sewer pipes or acserva Minham settock from the west property line - 15 feet The minimum sign setback shall be lifteen (15) feet

WARD 46, BLOCK 43, PARCELS 8-11 OUTLINE PLAN
SPOTTSWOOD VILLAGE PD
OWNER: 901-373-0380 (fax) 373-0370 www.SRCE-memphis.com SECONSULTING, LLC 5909 Shelby Oaks Drive Suite 300 Memphis TN 38134  $\triangleleft$ 18114536 11170672018 - 10152 M Shelandra Y Ford PAGE: 34

MEMPHIS, TENNESSEE NOVEMBER 2018

SHEET 4 of 4

PD 90-346

IGER ESTATES LLC

Page 117

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Office of Planning and Development Certificate

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Outline Plan Conditions PD 40-346 Uses Permitte

## CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

	COU	NCIL AGENDA CHEC	CK OFF SHEET	
ONE ORIGINAL   ONLY STAPLED   TO DOCUMENTS	Planning & Z	Coning COMMITTEE: PUBLIC SESSION:	Planning & Development  DIVISION  DIVISION  20/16/2021  DATE  02/16/2021  DATE	
RESOLUTION		CATION X REQUI	NT ACCEPTANCE / AMENDMENT JEST FOR PUBLIC HEARING	
ITEM DESCRIPTION:	An ordinance approv	ving a zoning change		
CASE NUMBER:	Z 20-11			
DEVELOPMENT:	Heavy Industrial			
LOCATION:	North side of East H	olmes Street approximatel	ely 923 feet east of the centerline of Lamar Avenue	
COUNCIL DISTRICTS:	District 3 and Super	District 8 – Positions 1, 2,	, and 3	
OWNER/APPLICANT:	David Couch			
REPRESENTATIVES:	Cindy Reaves, SR C	onsulting, LLC		
<b>EXISTING ZONING:</b>	Conservation Agricu	ılture (CA)		
REQUEST:	Heavy Industrial (IH	() District		
AREA:	+/-4.89 acres			
RECOMMENDATION:		ning and Development red ol Board recommended Ap		
PRIOR ACTION ON ITEM: (1) 01/14/2021 (1) Land Use Control Board  FUNDING: (2)		(2) GOV'T. ENTITY (3	ROVED (2) DENIED  ) BOARD / COMMISSION  3) COUNCIL COMMITTEE  PENDITURE - (1) YES (2) NO	
\$ SOURCE AND AMOUNT O \$ \$ \$	F FUNDS	REVENUE TO BE RECOPERATING BUDGET CIP PROJECT #	CEIVED T	
			PRINCIPAL PLANNER  DEPUTY ADMINISTRATOR  ADMINISTRATOR  DIRECTOR (JOINT APPROVAL)  COMPTROLLER  FINANCE DIRECTOR	
			CHARL A DAMANGER A MANUEL OF ELICED	======



#### Memphis City Council Summary Sheet

#### Z 20-11

Zoning Ordinance approving a zoning district reclassification for the subject property located on the north side of East Holmes Street approximately 923 feet east of the centerline of Lamar Avenue:

- This item is an ordinance for reclassification from Conservation Agriculture (CA) to Heavy Industrial (IH) at the aforementioned location; and
- Approval of this zoning distrit reclassification will be reflected on the Memphis and Shelby Counting Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, SO AS TO MAKE CERTAIN CHANGES IN THE USE DISTRICTS PROVIDED IN SAID ORDINANCE

**WHEREAS**, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 20-11**; and

**WHEREAS**, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

**WHEREAS,** the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

#### **SECTION 1:**

**THAT,** the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

# BY TAKING THE FOLLOWING PROPERTY OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL (IH) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

#### AREA 1

Being the David Couch property as recorded in Instrument Number I4089680 and I5087483 in Memphis, Tennessee and being more particularly described as follows:

Beginning at a point in the north line of E. Holmes Road (ROW Varies), approximately 923 feet east of the centerline of Lamar Avenue (ROW Varies); thence N0°00'00"E a distance of 290.00 feet to a point; thence N90°00'00"E a distance of 750.00 feet to a point; thence S0°00'00"E a distance of 280.00 feet to a point in the said north line of E. Holmes Road; thence N90°00'00"W a distance of 450.00 feet to a point; thence S0°00'00"E a distance of 10.00 feet to a point; thence N90°00'00"W a distance of 300.00 feet to

the point of beginning and containing 4.89 acres of land more or less.

#### **SECTION 2:**

**THAT,** the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

#### **SECTION 3:**

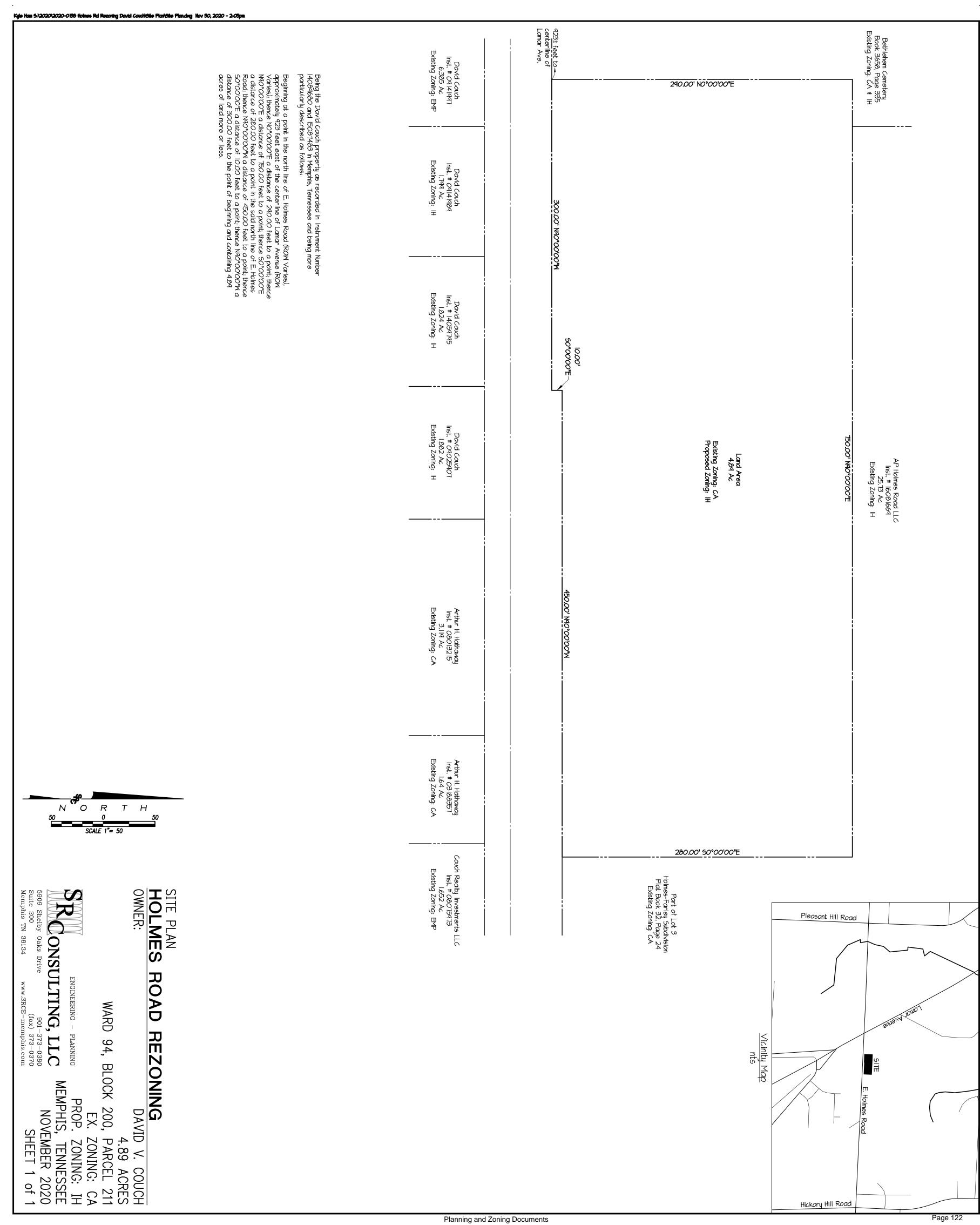
**THAT,** this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

#### **ATTEST:**

**CC:** Division of Planning and Development

- Land Use and Development Services
- Office of Construction Enforcement Shelby County Assessor

#### **//: ATTACHMENTS**



Planning and Zoning Documents March 2, 2021

#### LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, January 14, 2021*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 20-11

**LOCATION:** North side of East Holmes Street approximately 923 feet east of the

centerline of Lamar Avenue

**COUNCIL DISTRICT(S):** District 3, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: David Couch

**REPRESENTATIVE:** Cindy Reaves, SR Consulting, LLC

**REQUEST:** Heavy Industrial (IH) District

**EXISTING ZONING:** Conservation Agriculture (CA)

**AREA:** +/-4.89 acres

The following spoke in support of the application: None

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

The motion passed by a unanimous vote of 10-0 on the consent agenda.

Respectfully,

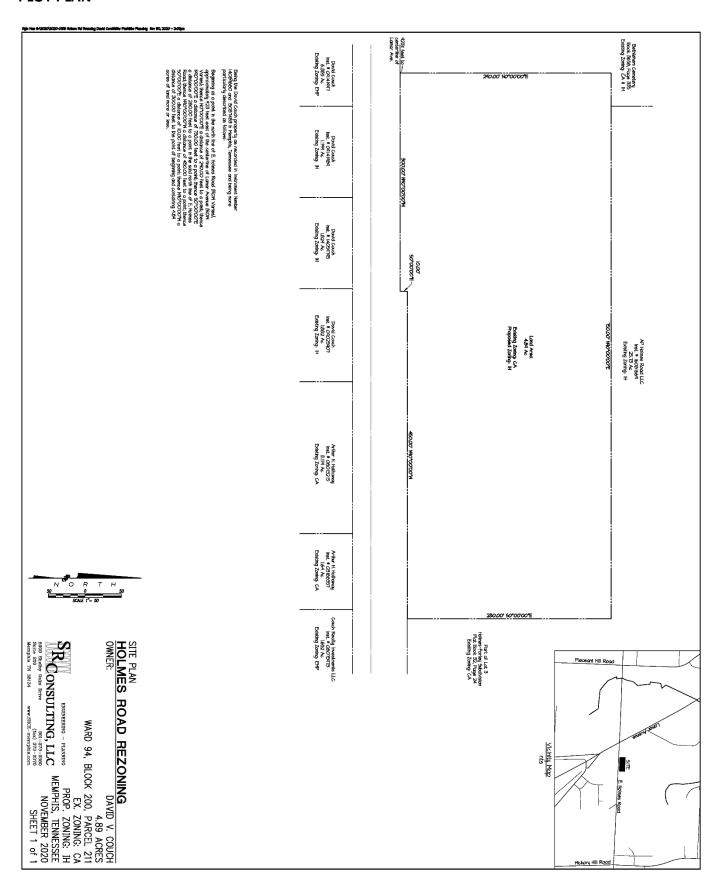
Jeffrey Penzes Principal Planner

Land Use and Development Services
Division of Planning and Development

Cc: Committee Members

File

#### **PLOT PLAN**





**AGENDA ITEM:** 16

CASE NUMBER: Z 20-11 L.U.C.B. MEETING: January 14, 2021

**LOCATION:** North side of East Holmes Street approximately 923 feet east of the centerline of

Lamar Avenue

**COUNCIL DISTRICT:** District 3 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: David Couch

**REPRESENTATIVE:** SR Consulting, LLC – Cindy Reaves

**REQUEST:** To rezone 4.89 acres from the Conservation Agriculture (CA) District to the Heavy

Industrial (IH) District

**AREA:** +/-4.89 acres

**EXISTING ZONING:** Conservation Agriculture (CA)

#### **CONCLUSIONS**

- 1. The request is to rezone 4.89 acres from the Conservation Agriculture (CA) District to the Heavy Industrial (IH) District.
- 2. The site is adjacent to the Heavy Industrial (IH) District to the north; the Conservation Agriculture (CA) District to the east, the Employment (EMP), Heavy Industrial (IH), and Conservation Agriculture (CA) Districts to the south; and the Conservation Agriculture (CA) District to the west.
- 3. The site is surrounding by industrial, commercial, and institutional uses. The uses are primarily warehouse and distribution facilities, a cemetery, vehicle wrecker service business, a day care, and a sweeping service hub.
- 4. Staff finds the request is an appropriate zoning district for the area that is compatible with the surrounding zoning districts, land uses, Memphis 3.0 General Plan, and the general industrial charter of the neighborhood.

#### **CONSISTENCY WITH MEMPHIS 3.0**

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 11-13 of this report.

#### RECOMMENDATION

#### **Approval**

Staff Writer: Jeffrey Penzes E-mail: jeffrey.penzes@memphistn.gov

Staff Report January 14, 2021 Z 20-11 Page 2

#### **GENERAL INFORMATION**

Street Frontage: East Holmes Road +/-750.00 linear feet

**Zoning Atlas Page:** 2545

**Parcel ID:** 094200 00211, 094200 00210, 094200 00209, and 094200 00207

**Existing Zoning:** Conservation Agriculture (CA)

#### **NEIGHBORHOOD MEETING**

Not required, zoning change is in compliance with the Memphis 3.0 General Plan.

#### **PUBLIC NOTICE**

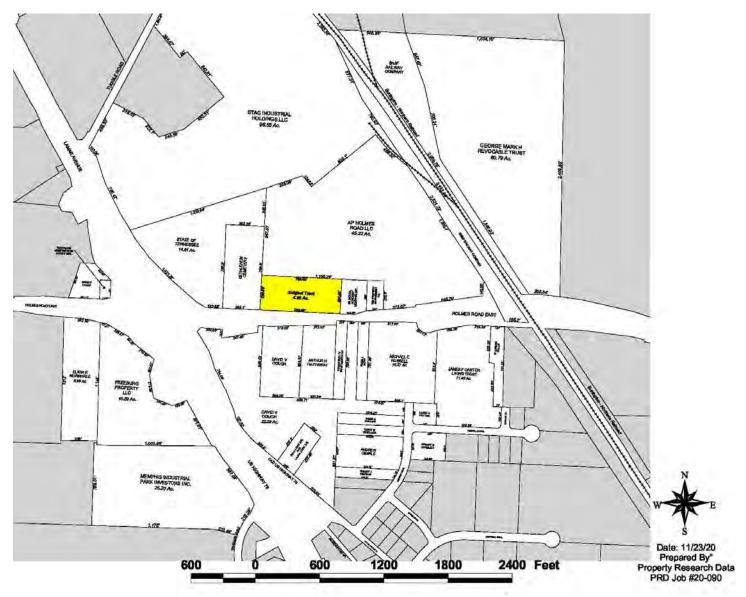
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 28 notices were mailed on December 31, 2020, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

#### **LOCATION MAP**



Subject property located within the pink circle, Capleville neighborhood

#### **VICINITY MAP**



Subject property highlighted in yellow

#### **ZONING MAP**



Subject property outlined in yellow

**Existing Zoning:** Conservation Agriculture (CA)

#### **Surrounding Zoning**

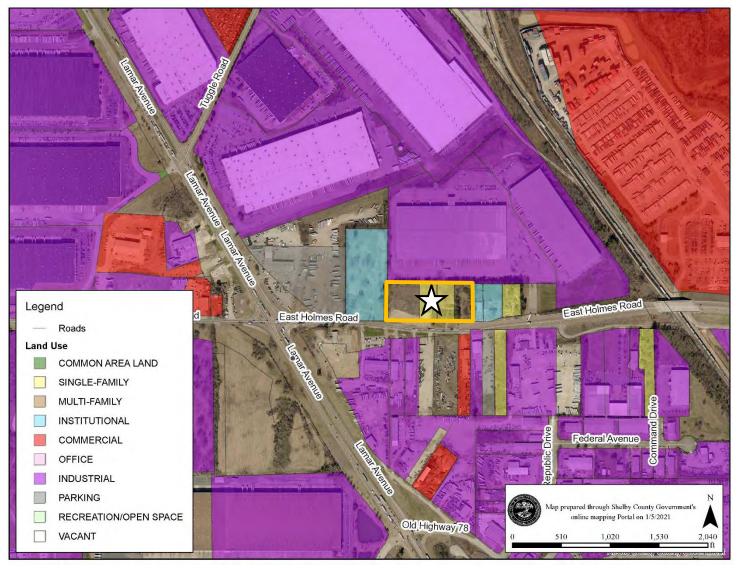
North: Heavy Industrial (IH)

**East:** Conservation Agriculture (CA)

South: Employment (EMP), Heavy Industrial (IH), and Conservation Agriculture (CA)

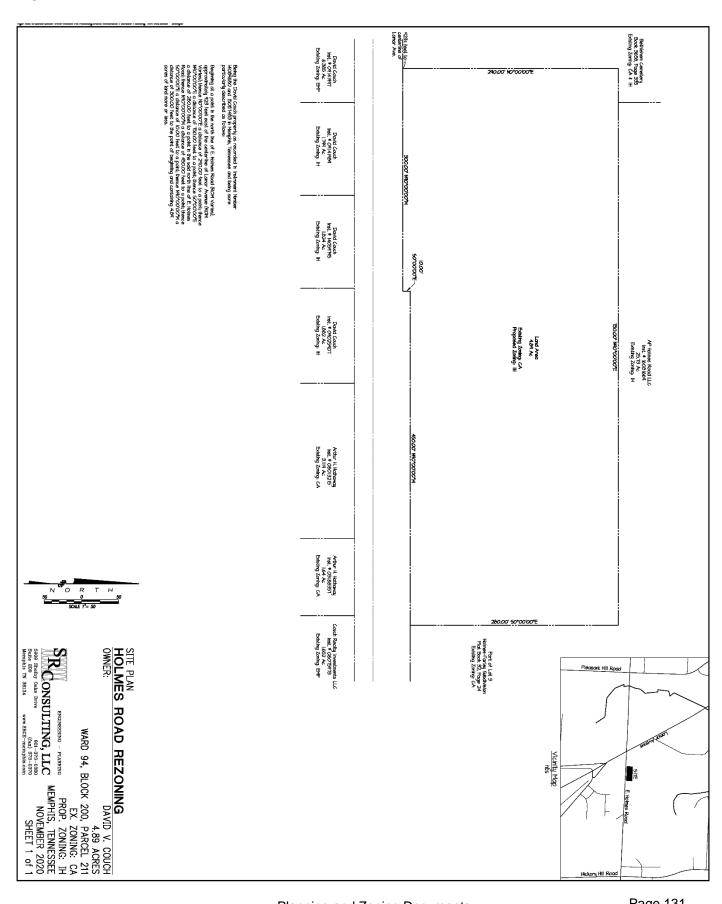
West: Conservation Agriculture (CA)

#### **LAND USE MAP**



Subject property outlined in orange and indicated by a white star

#### **PLOT PLAN**



#### **SITE PHOTOS**



View of subject property from East Holmes Road looking northeast



View of subject property from East Holmes Road looking northwest



View across East Holmes Road from subject property looking south



View down East Holmes Road from subject property looking west



View down East Holmes Road from subject property looking east

Staff Report January 14, 2021 Z 20-11 Page 10

#### **STAFF ANALYSIS**

#### **Request**

The application and letter of intent have been added to this report.

The request is to rezone 4.89 acres from the Conservation Agriculture (CA) District to the Heavy Industrial (IH) District

#### **Review Criteria**

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

#### 9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1)	Consistency with any plans to be considered (see Chapter 1.9);	
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- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

#### **Site Description**

The subject property is +/-4.89 acres and comprised of four parcels (094200 00211, 094200 00210, 094200 00209, and 094200 00207) located on the north side of East Holmes Street approximately 923 feet east of the centerline of Lamar Avenue.

#### Conclusions

The request is to rezone 4.89 acres from the Conservation Agriculture (CA) District to the Heavy Industrial (IH) District.

The site is adjacent to the Heavy Industrial (IH) District to the north; the Conservation Agriculture (CA) District to the east, the Employment (EMP), Heavy Industrial (IH), and Conservation Agriculture (CA) Districts to the south; and the Conservation Agriculture (CA) District to the west.

The site is surrounding by industrial, commercial, and institutional uses. The uses are primarily warehouse and distribution facilities, a cemetery, vehicle wrecker service business, a day care, and a sweeping service hub.

Staff finds the request is an appropriate zoning district for the area that is compatible with the surrounding zoning districts, land uses, Memphis 3.0 General Plan, and the general industrial charter of the neighborhood.

#### **RECOMMENDATION**

Staff recommends approval.

#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

#### **City/County Engineer:**

1. A sewer extension of approximately 900 feet will be required to serve this development.

City/County Fire Division: No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

#### Office of Comprehensive Planning:

Land Use Designation: Transportation & Logistics Facilities (TL)

Based on the future land use and the existing adjacent land uses the proposal <u>IS CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

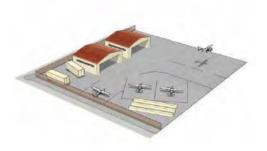
#### 1. FUTURE LAND USE PLANNING MAP



Red polygon indicates the application sites on the Future Land Use Map.

#### 2. Land use description & applicability:

These land areas are known for their transportation and logistics employment services, such as airports, ports, railyards, and other freight uses. These facilities usually require large areas of land and are mainly accessible by highways. Transportation and Logistics Facilities generate a large amount of regional employment due to the needs of varying skill levels and involve dispersal of goods regularly



#### "TL" Goals/Objectives:

Continued preservation, maintenance, and intensification where appropriate job centers related to transportation and logistics.

#### "TL" Form & Location Characteristics:

Characteristics Transportation and logistics.

The applicant is requesting for a rezoning for the properties at 5414, 5434, 5456, & 0 E. Holmes Road, located east of Lamar Avenue. The application seeks to rezone approximately 4.89 acres of land to Heavy Industrial (IH) from Conservation Agriculture (CA), which is bounded by East Holmes road on the south. The request meets the criteria of TL as the application proposes an industrial use, which could be accessible by highways. Proposed development will help continue preserving, maintaining, and intensifying surrounding job centers.

#### 3. Existing, Adjacent Land Use and Zoning

The subject sites are surrounded by the following land use: Single-family, Institution, Industrial, Commercial, and Vacant. The subject site is surrounded by the following zoning districts: Heavy Industrial (IH), Conservation Agriculture (CA), and Employment (EMP). This requested rezoning is compatible with the adjacent zoning districts and land uses because existing zoning districts surrounding the parcels are similar in nature to the requested one.

### 



Red polygon denotes the proposed site in Degree of Change area.

Staff Report January 14, 2021 Z 20-11 Page 13

5. Degree of Change Descriptions

N/A

Based on the information provided, the proposal <u>IS CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

#### **APPLICATION**



# Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

#### APPLICATION FOR REZONING APPROVAL

Date: November 16, 2020		Case #:	•		
	PLEASE T	YPE OR PRINT			
Property Owner of Record: David Couch			Phone #:		
Mailing Address: 9950 Center Hill Road		City/State: Colli	ierville, TN	Zip 38017	
Property Owner E-Mail Address:				<del>-</del>	
			Phone #		
Mailing Address:					
Applicant E- Mail Address:				1	
Representative: SR Consulting, LLC (Cinc			Phone #: 901	1-373-0380	
Mailing Address: 5909 Shelby Oaks Drive					
Representative E-Mail Address: cindy@s					
Engineer/Surveyor: SR Consulting, LLC					
Mailing Address: 5909 Shelby Oaks Drive.					
		•			
Engineer/Surveyor E-Mail Address: cinc Street Address Location: 0, 5414, 5434, 5					
Area in Acres: Existing Zoning: Existing Use of Property	Parcel 1 4.89 CA Vacant	Parcel 2	Parce	el 3	
Requested Use of Property	Industrial				
Requested Zoning	IH				
Pre-Application Conference held on:		_with			
Neighborhood Meeting Requirement I	Viet: Yes (If yes, do	or Not Yet or Not Recumentation must be incl	dequired (see a uded with app	below)	
I (we) hereby make application accompanying materials. I (we) result in the postponement of the Land Use Control Board at the nexproperty hereby authorize the filing of	accept respon application be at available he	asibility for any erro eing reviewed by the earing date. I (We), o	rs or omiss Memphis & wner(s) of th	sions which may & Shelby County he above described	
Dan V. Conh 11/1 Property Owner of Record	9 2020 Date	Dov. C	-ls	11/19/2020	

#### **LETTER OF INTENT**

SRCONSULTING, LLC

5909 Shelby Oaks Drive Suite 200 Memphis TN 38134 Tel: 901-373-0380 Fax: 901-373-0370 www.SRCE-memphis.com

Date: November 19, 2020

To: Office of Planning & Development

From: Cindy Reaves

Re: E. Holmes Rd. Rezoning

#### **LETTER OF INTENT**

We are submitting a Rezoning application for property at 5414, 5434, 5456, & 0 E. Holmes Road, located east of Lamar Avenue. The property is within the CA zoning district and is approximately 4.89 acres in area. We are requesting a rezoning to the IH district which is compatible with the adjacent properties.

We appreciate your support with this request. Please contact me if you have any questions.

#### **SIGN AFFIDAVIT**

#### **AFFIDAVIT**

Shelby County State of Tennessee

My commission expires:

I, Raphael Shivers, being duly sworn, depose and say that at 1:05 pm on the 29th day of December, 2020. I posted two Public Notice Signs pertaining to Case No. Z 20-11 in front of the property located on Holmes Road providing notice of a Public Hearing before the January 14, 2021 Land Use Control Board for consideration of a proposed Land Use Action (Rezoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Owner, Applicant or Representative Date

State

Subscribed and sworn to before me this NEWE day of NOTARY PUBLIC Notary Public

January 14, 2021 Page 17

#### **LETTERS RECEIVED**

No letters received at the time of completion of this report.



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

January 14, 2021

David Couch 9950 Center Hill Road Collierville, TN 38107

Sent via electronic mail to (applicant's representative): cindy@srce-memphis.com

Case Number: Z 20-11

**LUCB Recommendation: Approval** 

Dear applicant,

On Thursday, January 14, 2021, the Memphis and Shelby County Land Use Control Board recommended *approval* of your rezoning application located on the north side of East Holmes Street approximately 923 feet east of the centerline of Lamar Avenue to be included in the Heavy Industrial (IH) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free contact me at (901) 636-6619 or via email at jeffrey.penzes@memphistn.gov.

Respectfully,

Jeffrey Penzes Principal Planner

Land Use and Development Services
Division of Planning and Development

Cc: Cindy Reaves, SR Consulting, LLC

File



# Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

#### APPLICATION FOR REZONING APPROVAL

Date: November 16, 2020		Case #: _			
	PLEASE T	TYPE OR PRINT			
Property Owner of Record: David Couch			Phone #:		
Mailing Address: 9950 Center Hill Road		City/State: Collie	erville, TN	Zip 38017	
Property Owner E-Mail Address:					
Applicant: Same as Owner			Phone #		
Mailing Address:	City/State:		Zip		
Applicant E- Mail Address:					
Representative: SR Consulting, LLC (Cindy Reaves)			Phone #: 901-373-0380		
Mailing Address: 5909 Shelby Oaks Drive	City/State: Mem	phis, TN	Zip 38134		
Representative E-Mail Address: cindy@s	rce-memphis.com	n			
		J	Phone # 901-373-0380		
Mailing Address: 5909 Shelby Oaks Drive, Suite 200		City/State: Mem	phis, TN	Zip 38134	
Engineer/Surveyor E-Mail Address: cind					
Street Address Location: 0, 5414, 5434, 5	456 E. Holmes R	d.			
Distance to nearest intersecting street: A			Lamar Ave	nue	
	Parcel 1	Parcel 2	Dare	cel 3	
Area in Acres:	4.89	Tarcor 2			
Existing Zoning:	CA				
Existing Use of Property	Vacant				
Requested Use of Property	Industrial				
Requested Zoning	IH		-		
Pre-Application Conference held on:		_with			
Neighborhood Meeting Requirement M	Aet: Yes	or Not Yet or Not Recumentation must be inclu	equired (see	below)	
	(II yes, uo	camentation must be melu	ucu wiiii af	phoanon materials)	
I (we) hereby make application accompanying materials. I (we) a result in the postponement of the a Land Use Control Board at the next property hereby authorize the filing of	accept respon application b at available h	nsibility for any error eing reviewed by the I earing date. I (We), ov	s or omis Memphis vner(s) of t	& Shelby County the above described	
Property Owner of Record	9 2020 Date	Dov. C	S	11/19/2020 Date	

Fax: 901-373-0370

www.SRCE-memphis.com

Suite 200 Memphis TN 38134

Date: November 19, 2020

To: Office of Planning & Development

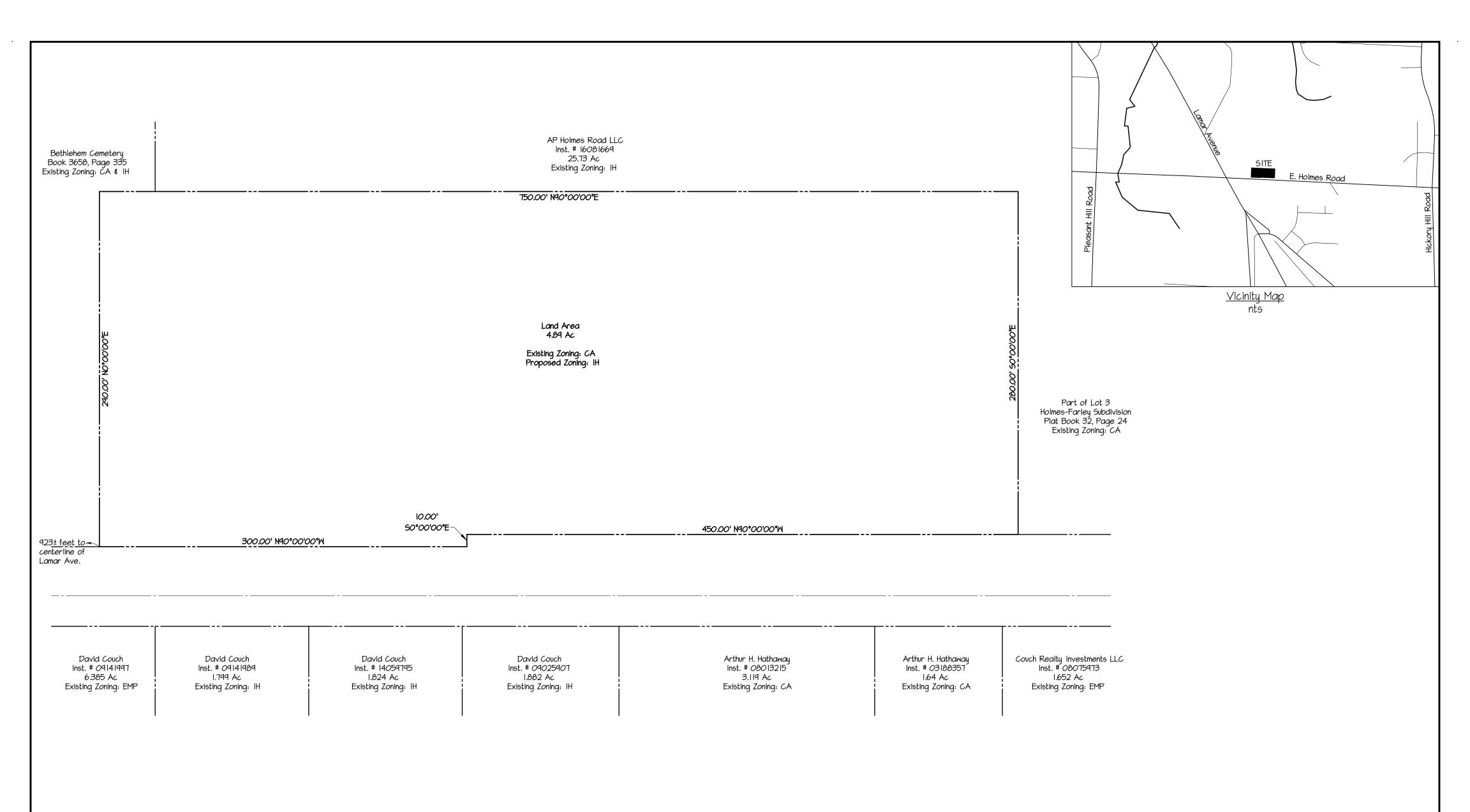
From: Cindy Reaves

Re: E. Holmes Rd. Rezoning

### **LETTER OF INTENT**

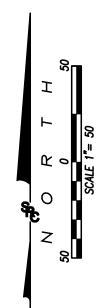
We are submitting a Rezoning application for property at 5414, 5434, 5456, & 0 E. Holmes Road, located east of Lamar Avenue. The property is within the CA zoning district and is approximately 4.89 acres in area. We are requesting a rezoning to the IH district which is compatible with the adjacent properties.

We appreciate your support with this request. Please contact me if you have any questions.



Being the David Couch property as recorded in Instrument Number 14089680 and 15087483 in Memphis, Tennessee and being more particularly described as follows:

Beginning at a point in the north line of E. Holmes Road (ROW Varies), approximately 923 feet east of the centerline of Lamar Avenue (ROW Varies); thence NO°00'00"E a distance of 290.00 feet to a point; thence N90°00'00"E a distance of 750.00 feet to a point; thence S0°00'00"E a distance of 280.00 feet to a point in the said north line of E. Holmes Road; thence N90°00'00"W a distance of 450.00 feet to a point; thence 50°00'00"E a distance of 10.00 feet to a point; thence N90°00'00"W a distance of 300.00 feet to the point of beginning and containing 4.89 acres of land more or less.



## SITE PLAN HOLMES ROAD REZONING

OWNER:

DAVID V. COUCH 4.89 ACRES

WARD 94, BLOCK 200, PARCEL 211

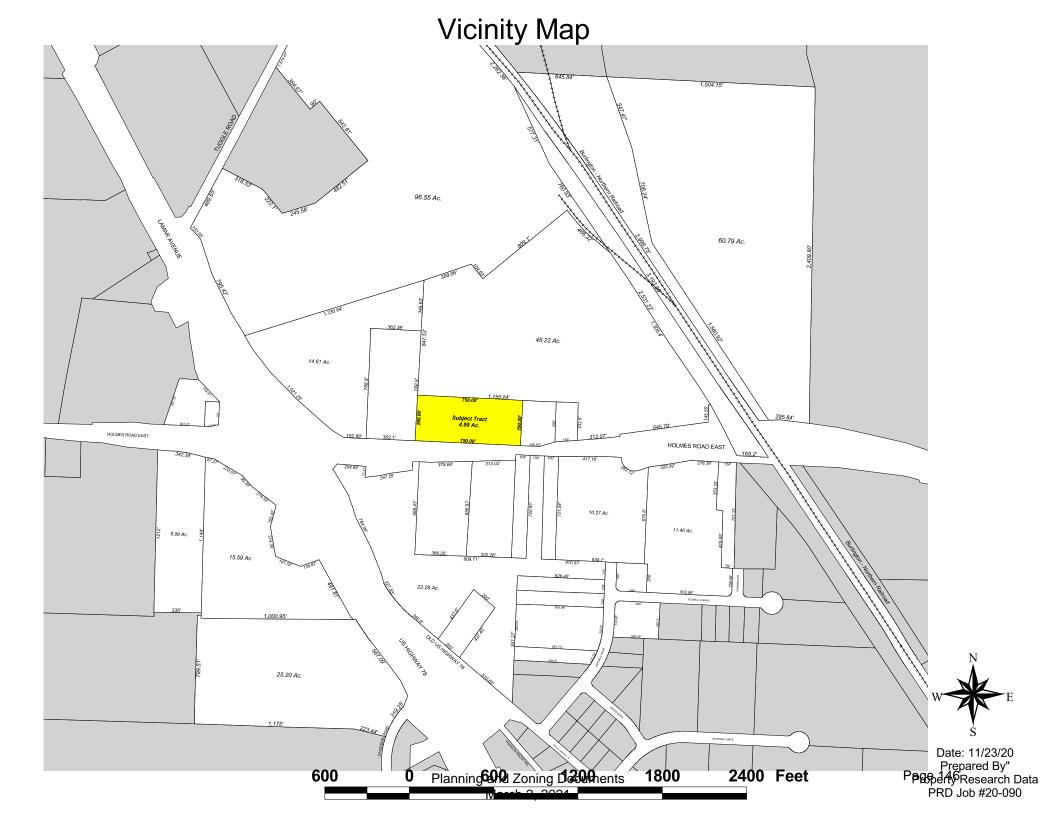
EX. ZONING: CA

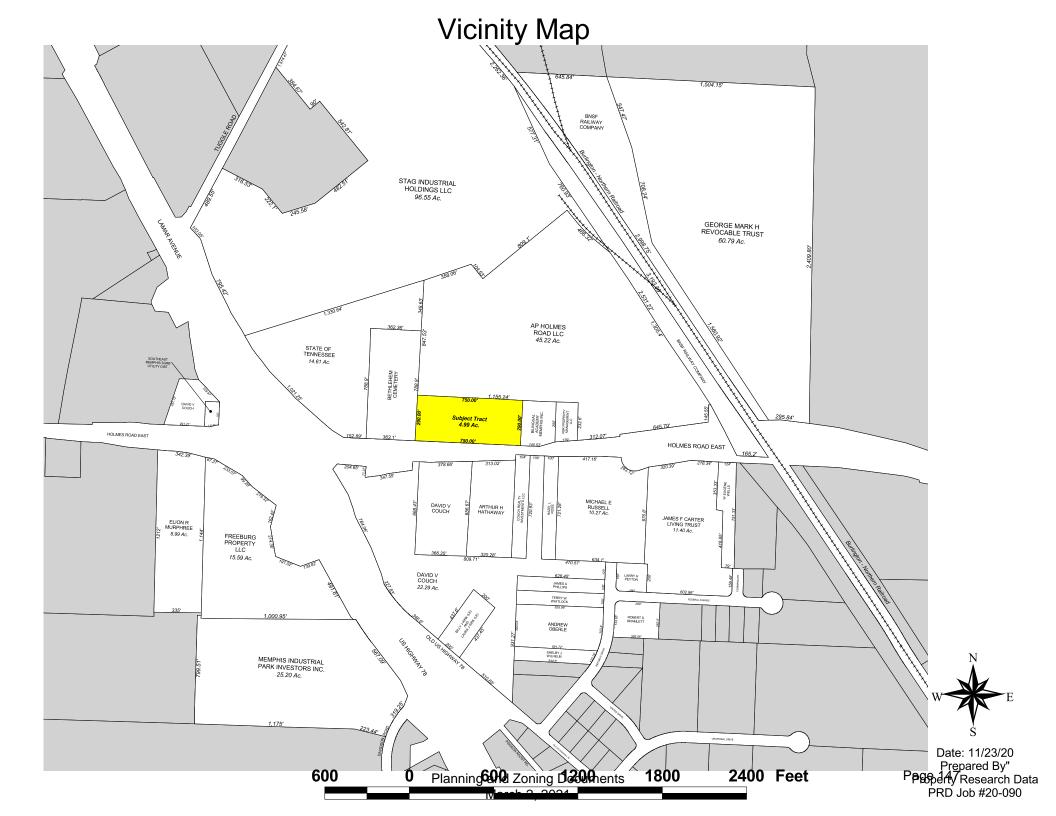
ENGINEERING - PLANNING ONSULTING, LLC 5909 Shelby Oaks Drive

Suite 200 Memphis TN 38134 www.SRCE-memphis.com

901-373-0380 (fax) 373-0370

PROP. ZONING: IH MEMPHIS, TENNESSEE NOVEMBER 2020 SHEET 1 of 1





AP Holmes Road LLC Bethlehem Cemetery Bilingual Academy Memphis Incorporated 88 N. Avondale Road, PMB 330 General Delivery 5462 E. Holmes Road Avondale Estates, GA 30002-1323 Memphis, TN 38101 Memphis, TN 38118-7906 BNSF Railway Company Bramlett Robert S Couch David V P O Box 961089 4445 Windslet Cove 9950 Center Hill Road Fort Worth, TX 76161-0089 Southaven, MS 38672-7106 Collierville, TN 38017-9202 Couch Realty Investments LLC Freeburg Property LLC George Mark H Revocable Trust 9950 Center Hill Road 4646 Poplar Avenue, Ste. 401 3150 Lenox Park Boulevard, Ste. 312 Memphis, TN 38117 Collierville, TN 38017-9202 Memphis, TN 38115-4261 James F Carter Living Trust Hathaway Arthur H KBK Property Management LLC 5455 E. Holmes Road 5599 E. Holmes Road 9070 Crumpler Boulevard Memphis, TN 38118-7906 Memphis, TN 38118-7933 Olive Branch, MS 38654-8667 Kirk Billy J (LE) And Laura J Kirk (LE) Memphis Industrial Park Investors Inc. Murphree Elion R & Carolyn S 5410 Old US Higway 78 P O Box 771020 5217 E. Holmes Road Memphis, TN 38118-7907 Memphis, TN 38177-1020 Memphis, TN 38118-7804 Oberle Andrew & Janice Peyton Larry H & Deborah A Phillips James A & Cheryl L 5311 Republic Drive 5304 Republic Drive 915 Hickory Oaks Circle Memphis, TN 38118-7911 Memphis, TN 38118-7912 Collierville, TN 38017-3205 Ross Hazel L Russell Michael E And Richard A Russell Southeast Memphis Surb Utility Dist. 5300 Highway 78 P O Box 754201 General Delivery Memphis, TN 38118 Memphis, TN 38101 Memphis, TN 38175-4201 Wells W Eugene Stag Industrial Holdings LLC State Of Tennessee 1 Federal Street 23<sup>rd</sup> Floor 3900 W. 118th Place 300 Benchmark Place Boston, MA 02110-2031 Hawthorne, CA 90250-3216 Jackson, TN 38301-9712 Whitlock Terry W & Debra L Wilhelm Shelby J

5330 N. Cedar Ridge Memphis, TN 38118

P O Box 610

Senath, MO 63876-0610

SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134 SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134 SR Consulting Engineering 5909 Shelby Oaks Drive, Suite 200 Memphis TN 38134

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Couch David V 9950 Center Hill Road Collierville, TN 38017-9202

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Couch David V 9950 Center Hill Road Collierville, TN 38017-9202



As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

14089	
09/03/2014 -	08:53 AM
PGS	
APRY 1246615-14089680	
ALUE	200000.00
ORTGAGE TAX	0.00
RAMSFER TAX	740.00
ECORDING FEE	25.00
P FEC	2.00
CGISTER'S FEE	1.00
ALK THRU FEE	0.00
THURSHA LATO	768.00
TOM LEATHE	

#### COUNTERPART

### WARRANTY DEED

THIS INSTRUMENT WAS PREPARED BY
The Waddell Law Firm
9056 Stone Walk Place
Germantown, TN 38138

THIS INDENTURE, made and entered into as of the 8th day of August, 2014 by and between

Marion A. Goodman and Joy E. Anderson, Co-Successor Trustees of The Ella A DuBose Revocable Living Trust dated December 21, 1998 and Joy Elaine Anderson, Trustee of The Marion A DuBose Jr. Residuary Trust, hereinafter referred to as Grantor,

and

David V. Couch,

hereinafter referred to as Grantee.

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said Grantor has bargained and sold and does hereby bargain, sell, convey and confirm unto the said Grantee the following described real estate, situated and being in the County of Shelby, State of Tennessee:

PARCEL 1: 0 HOLMES ROAD, MEMPHIS, TN 38118

Lot ! SHERMAN-FARLEY SUBDIVISION, as shown on plat of record in Plat Book 30, Page 31, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Tax Parcel No. 94-200-211

Being the same property conveyed by deed of record to Ella A. Dubose, Trustee of the Ella A. DuBose Revocable Trust Under Agreement dated December 21, 1998 (1/2), in the Register's Office of Shelby County, Tennessee in Instrument Number JA 7508; and by deed of record to Marion A. DuBose, Jr. Residuary Trust (1/2), in the Register's Office of Shelby County, Tennessee in Instrument No. EG9385.

PARCEL 2: 5414 HOLMES ROAD, MEMPHIS, TN 38118 5434 HOLMES ROAD, MEMPHIS, TN 38118

Lots 1 AND 2 of the HOLMES-FARLEY SUBDIVISION, of the re-subdivision of LOT TWO of SHERMAN FARLEY SUBDIVISION, , as shown on plat of record in Plat Book 32, Page 24, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Tax Parcel No. 94-200-210 AS TO 5414 HOLMES RD 94-200-209 AS TO 5434 HOLMES RD

Being the same property conveyed by deed of record to Ella A. Dubose, Trustee of the Ella A. DuBose Revocable Trust Under Agreement dated December 21, 1998 (1/2), in the Register's Office of Shelby County, Tennessee in Instrument Number JA 7509; and by deed of record to Marion A. DuBose, Jr. Residuary Trust (1/2), in the Register's Office of Shelby County, Tennessee in Instrument No. EG9386.

TO HAVE AND TO HOLD The aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said Grantee, his/her heirs, successors and assigns in fee simple forever.

The said Grantor does hereby covenant with the Grantee that the Grantor is lawfully seized in fee of the

aforedescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered except,

2015 Memphis City Taxes and 2014 Shelby County Taxes, not yet due and payable; Subdivision Restrictions, Building Lines and Easements of record at Plat Book 30 Page 31, in the Register's Office of Shelby County, Tennessee.

and that the title and quiet possession thereto Grantor will warrant and forever defend against the lawful claims of all persons.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the signature of the Grantor (or caused its corporate name to be signed hereto by and through its proper officers duly authorized so to do) the day and year first above written.

The Marion A Dubose, Jr. Residuary Trust

Ella A DuBose Revocable Living Trust dated December 21, 1998

Marion A Goodman Co-successor Trustee

derson Co-Successor Trustee

STATE OF COUNTY OF

Before me, the undersigned Notary Public of the aforesaid County and State, personally appeared Marion A Goodman with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon onth, acknowledged himself (or herself) to be a Co-Successor Trustee of The Ella A DuBose Revocable Living Trust dated December 21, 1998 the within named bargainor, a Trust, and that he/she as such Co-Successor Trustee, executed the foregoing instrument for the purpose therein with the by signing the name of the Trust by himself (or herself) as Co-Successor Trustee.

With the first hand and seal this day of August, 2014.

With the its

OF

MY COMMISSION EXPIRES JANUARY 14, 2019

MARKET STATES STATE OF COUNTY OF

TENNESSEE NOTARY

MSON C

Before me, the undersigned Notary Public of the aforesaid County and State, personally appeared Joy E Anderson with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself (or herself) to be a Co-Successor Trustee of The Ella A DuBose Revocable Living Trust dated December 21, 1998 the within named bargainor, a Trust, and that he/she as such Co-Successor Trustee, executed the foregoing instrument for the purpose therein contained, by signing the name of the Trust by himself (or herself) as Co-Successor Trustee. Witness my hand and seal this day of August, 2014.

Many Public

Commission Expiration: 0-14-18

MY COMMISSION EXPIRES JANUARY 14, 2018

TENNESSEE NOTARY

aforedescribed real estate; that the Grantor has a good right to sell and convey the same; that the same is unencumbered except,

2015 Memphis City Taxes and 2014 Shelby County Taxes, not yet due and payable; Subdivision Restrictions, Building Lines and Easements of record at Plat Book 30 Page 31, in the Register's Office of Shelby County, Tennessee.

and that the title and quiet possession thereto Grantor will warrant and forever defend against the lawful claims of all persons.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the signature of the Grantor (or caused its corporate name to be signed hereto by and through its proper officers duly authorized so to do) the day and year first above written.

The Marion A Dubose, Jr. Residuary Trust	Ella A DuBose Revocable Living Trust dated December 21, 1998
Joy Elaine Anderson, Trustee	Marion A Goodman Co-successor Trustee
	Joy E Anderson Co-Successor Trustee
STATE OF COUNTY OF	
Marion A Goodman with whom I am personally evidence), and who, upon oath, acknowledged h Ella A DuBose Revocable Living Trust dated De	
Commission Expiration:	THOMAS C. McLAREN NOTARY PUBLIC STATE OF COLORADO
STATE OF COUNTY OF	My Commission Expires 09/01/2015
E Anderson with whom I am personally acquevidence), and who, upon oath, acknowledged h Ella A DuBose Revocable Living Trust dated De	•
•	Notary Public
Commission Expiration:	

STATE OF COUNTY OF

Before me, the undersigned Notary Public of the aforesaid County and State, personally appeared Joy Elaine Anderson with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself (or herself) to be a Trustee of The Marion A Dubose, Jr. Residuary Trust the within named bargainor, a Trust, and that he/she as such Trustee, executed the foregoing instrument for the purpose therein contained, by signing the name of the Trust by himself (or herself) as Trustee.

Witness my hand and seal this

May of August, 2014.

Commission Expiration:

Notary Public

STATE

OF

TENNESSEE

NOTARY

PUBLIC

NOTARY

NOTARY

PUBLIC

NOTA

Subscribed and sworn to before me this 8th day of August, 2014.

Notary Public

Commission Expiration:

RETURN TO:

SEND TAX BILLS TO:

PROPERTY ADDRESS:

Affiant

5414, 5434 & 0 E. Holmes Rd., Memphis, TN 38118

File No. 14-00236;

Title Co. T.G. No.

STATE OF COUNTY OF

Before me, the undersigned Notary Public of the aforesaid County and State, personally appeared Joy Elaine Anderson with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself (or herself) to be a Trustee of The Marion A Dubose, Jr. Residuary Trust the within named bargamor, a Trust, and that he/she as such Trustee, executed the foregoing instrument for the purpose therein contained, by signing the name of the Trust by himself (or herself) as Trustee.

Witness my hand and seal this \_

August, 2014.

Notary Public

Commission Expiration:

NAME AND ADDRESS OF PROPERTY OWNER:

David V. Couch ; 5414, 5434 & 0 E. Holmes Rd., Memphis, TN 38118

day

STATE OF TENNESSEE COUNTY OF SHELBY

VALUATION AFFIDAVIT

I, or we, hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is \$200,000.00, which amount is equal to or greater than the amount which the property transferred would command at a

fair and voluntary sale.

Affia**ht**-

Subscribed and sworn to before me this 8th day of August, 2014.

Notary Public

Commission Expiration

**RETURN TO:** 

SEND TAX BILLS TO:

9950 Center Hill Road

Collierville, TN 38017

PROPERTY ADDRESS:

5414, 5434 & 0 E. Holmes Rd., Memphis, TN 38118

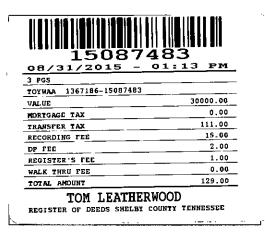
File No. 14-00236;

Title Co. T.G. No.

Prepared by/Return to: Hugh H. Armistead, Attorney, MSB 1615 6879 Crumpler Blvd., Suite 10D Olive Branch, MS 38654 662-895-4844



As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



100

**Prepared by and Return to:** 

Hugh H. Armistead, Attorney 6879 Crumpler Boulevard, Suite 100 Olive Branch, MS 38654 662-895-4844

**New Property Owner/Send Tax Bills to:** 

David V. Couch 9950 Center Hill Road Collierville, TN 38017

**Property Address:** 5456 East Holmes Road

Memphis, Tennessee

<u>Tax Parcel Number:</u> 094-2000-0-00207-0

### WARRANTY DEED

THIS INSTRUMENT, made and entered into this the 26th day of August, 2015, by and between

JO ANN CROWDER, of the first part,

and

DAVID V. COUCH, of the second part,

WITNESSETH: That for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

The West 150 feet of Lot 3 of the Holmes-Farley Subdivision, as recorded in Plat Book 32, Page 24, in the Register's Office of Shelby County, Tennessee, and being more particularly described as follows:

BEGINNING at a point, said point being 300 feet South 87 degrees 18 minutes 25 seconds East of the Southwest corner of said Holmes-Farley Subdivision as measured along the North line of Holmes Road (50 feet from the center line); thence North 2 degrees 41 minutes 35 seconds East, along the East line of Lot 2 of said subdivision, 290.79 feet (call-280 feet) to a point; thence South 88 degrees 08 minutes 05 seconds East, 150.33 feet to a point; thence South 2 degrees 41 minutes 35 seconds West, 292.96 feet (Call-280 feet) to a point, said point being in the North line of Holmes Road; thence North 87 degrees 18 minutes 25 seconds West, along the North line of Holmes Road, 150.31 feet to the Point of Beginning and containing 1.01 acres.

Being the same property conveyed to Grantor in Warranty Deed dated March 25, 1999, and recorded as Instrument No. JF 6967 in the Register's Office of Shelby County, Tennessee.

TO HAVE AND TO HOLD the aforesaid real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part it heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the afore-described real estate; that it has a good right to sell and convey the same; that the same is unencumbered except for any and all subdivision restrictions, building lines and easements of record; 2016 City of Memphis and 2015 Shelby County Real Property Taxes and all subsequent years, not yet due and payable which taxes shall be prorated; and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

IN TESTIMONY WHEREOF, the Grantor has executed this instrument, this the day of August, 2015.

JO ANN CROWDER

STATE OF TENNESSEE COUNTY OF SHELBY

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **Jo Ann Crowder**, with whom I am personally acquainted, and who, upon oath, acknowledged that she executed the above and foregoing instrument for the purposes therein contained.

WITNESS my hand, at office, this day of August, 2015.

NOTARY PUBLIC

My Commiss

# STATE OF TENNESSEE COUNTY OF SHELBY

I hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer is THIRTY THOUSAND AND 00/100 Dollars (\$30,000.00).

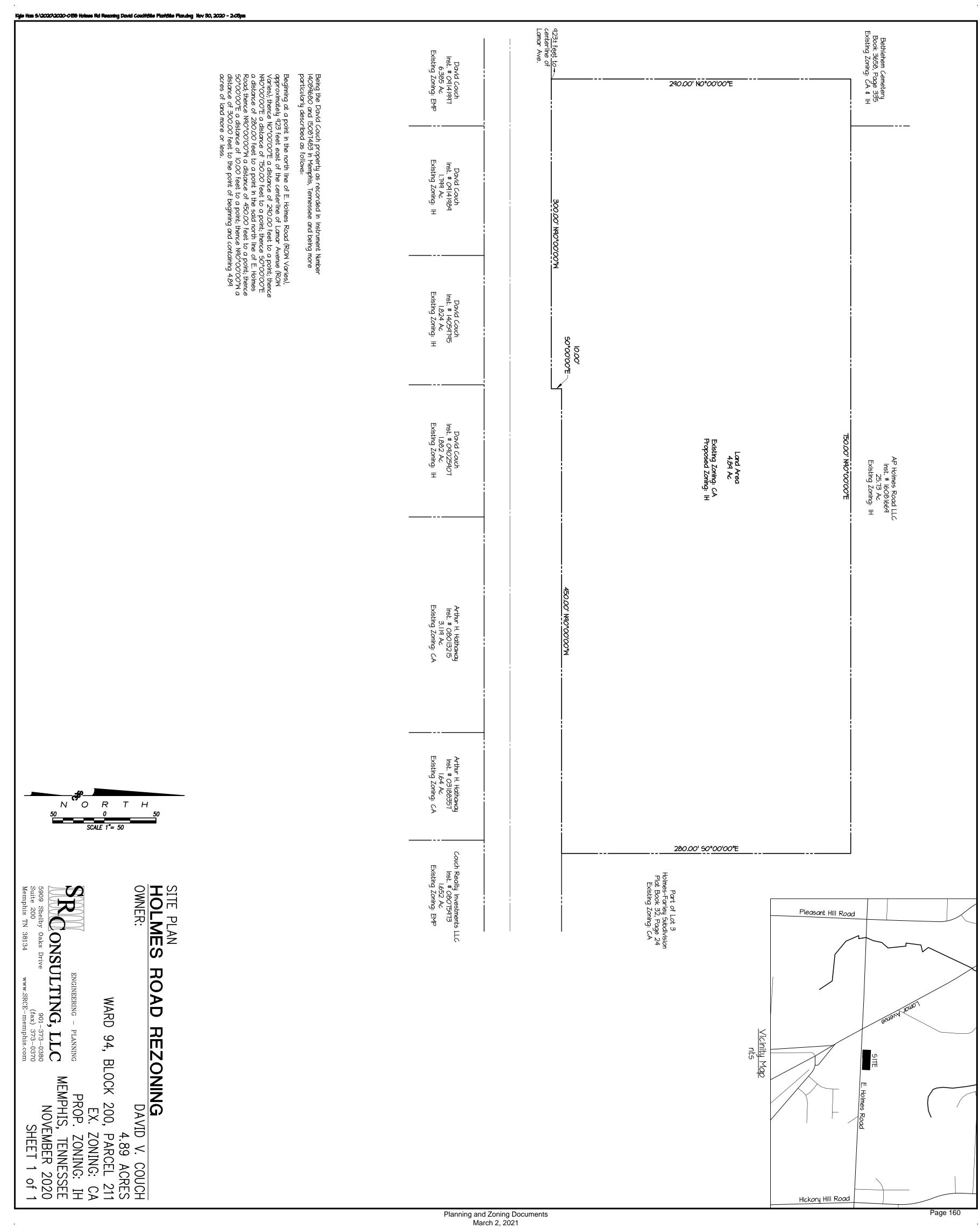
**AFFIANT** 

Sworn to and subscribed before me this the 26th day of August, 2015.

NOTARY PUBLIC

My Commission Expires:





# NOTICE OF ELECTRONIC PUBLIC HEARING ON PROPOSED AMENDMENT TO THE ZONING MAP OF THE CITY OF MEMPHIS

• •	rsuant to Section 8-44-108 of the Tennessee Code Annotated, a Telephonic/Electronic Public y Council of the City of Memphis on Tuesday, at 3:30 P.M., in the Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of ded, as follows:
CASE NUMBER:	Z 20-11
LOCATION:	North side of East Holmes Street approximately 923 feet east of the centerline of Lamar Avenue
COUNCIL DISTRICTS:	District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	David Couch
REPRESENTATIVE:	Cindy Reaves, SR Consulting, LLC
EXISTING ZONING:	Conservation Agriculture (CA)
REQUEST:	Heavy Industrial (IH) District
AREA:	+/-4.89 acres
RECOMMENDATIONS:	
Memphis and Shelby County C	Office of Planning and Development: Approval
Memphis and Shelby County L	and Use Control Board: Approval
the City of Memphis, Tennesse	all take notice that on Tuesday,, at 3:30 P.M. the City Council of the will be in session to hear opposition against the making of such changes; such opposition the es, or by attorneys, or by petition, and must registered to speak by Monday, M.
at 8 A.M. with your (i) name, (	ontacting Ashleigh Hayes at <a href="mailto:ashleigh.hayes@memphistn.gov">ashleigh.hayes@memphistn.gov</a> no later than Monday,, ii) address, and (iii) phone number. Please note that, due to time limitations under the each side may speak no longer than fifteen (15) minutes. Thus, it is strongly encouraged that ak per side.
to memphistn.gov, then going t	ng will be streamed live on the City of Memphis' website. You may view this video by going to the "Government" tab at the bottom and then select "Watch Public Meetings." The direct n.gov/cms/One.aspx?portalId=11150816&pageId=15334953
	the Planning and Zoning Committee on the same day with the specific time to be determined osted on the City of Memphis' website.
THIS THE	
	FRANK COLVETT JR. CHAIRMAN OF COUNCIL
ATTEST:	
DYWUANA MORRIS_ CITY COMPTROLLER	
TO BE PUBLISHED:	

AP Holmes Road LLC Bethlehem Cemetery Bilingual Academy Memphis Incorporated 88 N. Avondale Road, PMB 330 General Delivery 5462 E. Holmes Road Avondale Estates, GA 30002-1323 Memphis, TN 38101 Memphis, TN 38118-7906 BNSF Railway Company Bramlett Robert S Couch David V P O Box 961089 4445 Windslet Cove 9950 Center Hill Road Fort Worth, TX 76161-0089 Southaven, MS 38672-7106 Collierville, TN 38017-9202 Couch Realty Investments LLC Freeburg Property LLC George Mark H Revocable Trust 9950 Center Hill Road 4646 Poplar Avenue, Ste. 401 3150 Lenox Park Boulevard, Ste. 312 Memphis, TN 38117 Collierville, TN 38017-9202 Memphis, TN 38115-4261 James F Carter Living Trust Hathaway Arthur H KBK Property Management LLC 5455 E. Holmes Road 5599 E. Holmes Road 9070 Crumpler Boulevard Memphis, TN 38118-7906 Memphis, TN 38118-7933 Olive Branch, MS 38654-8667 Kirk Billy J (LE) And Laura J Kirk (LE) Memphis Industrial Park Investors Inc. Murphree Elion R & Carolyn S 5410 Old US Higway 78 P O Box 771020 5217 E. Holmes Road Memphis, TN 38118-7907 Memphis, TN 38177-1020 Memphis, TN 38118-7804 Oberle Andrew & Janice Peyton Larry H & Deborah A Phillips James A & Cheryl L 5311 Republic Drive 5304 Republic Drive 915 Hickory Oaks Circle Memphis, TN 38118-7911 Memphis, TN 38118-7912 Collierville, TN 38017-3205 Ross Hazel L Russell Michael E And Richard A Russell Southeast Memphis Surb Utility Dist. 5300 Highway 78 P O Box 754201 General Delivery Memphis, TN 38118 Memphis, TN 38101 Memphis, TN 38175-4201 Wells W Eugene Stag Industrial Holdings LLC State Of Tennessee 1 Federal Street 23<sup>rd</sup> Floor 3900 W. 118th Place 300 Benchmark Place Boston, MA 02110-2031 Hawthorne, CA 90250-3216 Jackson, TN 38301-9712

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